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The image shows the front cover of a special issue on terrorism. The background is a complex collage of textures and text. At the top, the words "CHANGE THE WORLD" are partially visible. Below that, "AFTER PARIS" is prominent on the left. In the center, the main title "SPECIAL INTERNATIONAL ISSUE ON TERRORISM" is written in large, bold, white capital letters. Below this, in smaller white capital letters, is "NUMÉRO SPÉCIAL INTERNATIONAL SUR LE TERRORISME". At the bottom of the cover, a black horizontal bar contains the text "GUEST EDITOR // SOUS LA DIRECTION DU RÉDACTEUR INVITÉ JOHN WINTERDYK" in white. Below the bar is a dark silhouette of a world map. The bottom of the cover features more text, including "SYRIA AND", "IDAN government build", "21st century", "U.K.", "the fight", "against fear", and "d. ce ce". The overall color palette is dark and textured, with shades of brown, black, and white.

JUSTICE

ACTUALITÉS REPORT

Volume 31 No. / N° 4

The **JUSTICE REPORT** contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact: •• L'**ACTUALITÉS-JUSTICE** renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec :

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The CCJA wishes to congratulate Kim Pate for her recent appointment to the Senate.

Pate has served as executive director of the Ottawa-based Canadian Association of Elizabeth Fry Societies, which provides support and advocacy for women and girls who are incarcerated or who have been in prison.

CONGRATULATIONS // FÉLICITATIONS KIM PATE

L'ACJP tient à féliciter Kim Pate pour sa récente nomination au Sénat. Kim était directrice générale de l'Association canadienne des Sociétés Elizabeth Fry, établie à Ottawa. Celle-ci offre un appui aux femmes et aux filles incarcérées ou qui l'ont été, en plus de militer en leur faveur.



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SPECIAL INTERNATIONAL ISSUE

with Guest Editor John Winterdyk

EDITORIAL

BY JOHN WINTERDYK

Professor of Criminology, Mount Royal University

Shortly after the tragic events in Brussels and Paris in 2016 and after a brief discussion with the staff of the *Justice Report*, I was invited to prepare a special issue that focuses on terrorism. Since terrorism is a global phenomenon and usually results in global impact, I proposed an issue including international contributions. The idea was to invite contributions from various corners of the world not only to provide a global perspective on the diversity and complexity of terrorism but to also illustrate that we are all essentially contending with similar issues and challenges, be it domestic terrorism or international terrorism. For example, all the contributions acknowledge that defining terrorism is a challenging concept for a range of social and political factors. Virtually all the contributors acknowledge that terrorism is a scourge which cannot and will not be readily eliminated. Therefore, another common theme reflected in the articles is the need to become better conversant with the complexities and nuances of terrorism if we are to find ways to abate and live with it. Another theme touched upon in several of the articles is the assertion that 'terrorism' can also be a value-laden term and reflect certain social and/or political biases. As the former leader of India, Mahatma Gandhi, once noted: "morality is contraband in war".

In addition, and in keeping with the tradition of *Justice Report* publications, I wanted to ensure student representation and French and English content. As is evidenced upon reviewing the Contents page, this issue has managed to strike a 'balance' between all three criteria. For this, I would like to acknowledge the assistance and support of Nancy Wright (Editor) in securing the French contributions and Dr. Garth Davis (School of Criminology, Simon Fraser University) in helping to secure the student articles.

Although acts of terrorism are (fortunately) comparatively infrequent in Canada, as global citizens it is difficult not to be captivated by the incidents that happen elsewhere in the world. For example, the recent solo event in Nice (July 14th/16 – Bastille Day in France) was 'front page' news for several days and it triggered a bevy of international responses from various heads of State, including Prime

Minister Justin Trudeau. Trudeau not only publicly condemned such acts but emboldened Canadians and French citizens to not let such acts deter them from engaging in their daily routines. In a CBC news interview shortly after the event, NDP leader Tom Mulcair, who had recently returned from Nice, also encouraged Canadians to continue to travel and continue to defy the 'scare' tactics of terrorist intentions. On the NDP website, on July 15th, it poignantly stated: "We remain determined never to let such a cowardly act shake our commitment to our shared values." However, it is unclear as to whether the act was a 'terrorist' act or a type of 'hate crime', with this latter tending to have similar characteristics to a terrorist act.

As crimes go, terrorist acts are comparatively infrequent and yet their impact and our response to them tends to draw considerably more attention and resources. Perhaps also somewhat ironically, terrorist acts are generally committed by a few zealous /extreme individuals whose modus operandi of instilling fear (see Pfeifer in *Justice Report*, No. 32.1) and insecurity along with feelings of mistrust within victim groups by typically targeting innocent people rivals all other crime.¹ Not only do terrorist events capture local, national, and international attention, but our respective governments (especially in the aftermath of 9/11) have taken considerable steps to reduce the risk of any (potential) future events, as such acts are essentially crimes against humanity. However, as reflected in several of the contributions to this issue, the mechanisms and strategies for responding vary but, collectively, speak to such themes as risk management (see Cheung & Levi) to building international legal capacity (see Laurent & Zuckerberg) along with varying expressions of prevention as opposed to propagating the use of force or military action. Collectively the articles reveal, or at least suggest, that we must strive to better understand in order to better address the profounder issues of terrorism. It was to this end, for example, that Public Safety Canada released its National Security Green Paper in September, 2016) as a document "intended to prompt discussion and debate about Canada's national security framework, which will inform policy changes that will be made following the consultation process".²

Although the collection of articles in this issue is not able to offer a comprehensive exposé of the themes and issues pertaining to terrorism, I trust the content is informative, interesting, and, above all, thought-provoking. For, the sooner we can begin to gain an objective understanding into the nuances and complexities of terrorism (i.e., the nexus between poverty, sense of injustice, the development of radicalized views, etc.), the sooner we can begin to engage in effective national and international efforts to curb the incident rate. ♦♦

1. The July 14th/16 solo attack in Nice according to some experts was not a terrorist attack – that is, the attacker Mohamed Lahouaiej-Bouhlel, a Tunisian resident of France, was not a known member of a terrorist group but his act was violent, carried out against innocent people, and it frightened a large number of people – if not the entire country of France. However, it is not clear if the act was politically motivated – a key element of terrorist attacks

2. Public input welcome until December 1, 2016

ÉDITORIAL

PAR JOHN WINTERDYK

Professeur de criminologie, Mount Royal University

Peu de temps après les événements tragiques de Bruxelles et de Paris en 2016 et suite à une brève discussion avec le personnel d'*Actualités-Justice*, j'ai été invité à préparer un numéro spécial qui serait centré sur le terrorisme. Comme le terrorisme est un phénomène mondial et qu'il a en général des incidences à cette même échelle, j'ai proposé que ce numéro inclue des contributions internationales. Mon intention était d'inviter des auteurs de divers coins de la planète, non seulement dans le but de présenter une perspective globale de la diversité et de la complexité du terrorisme, mais aussi de démontrer que nous sommes tous essentiellement confrontés à des enjeux et des défis semblables, qu'il s'agisse de terrorisme intérieur ou international. Par exemple, tous les textes soumis reconnaissent qu'il est difficile de définir la notion de terrorisme en raison de toute une gamme de facteurs sociaux et politiques. Presque tous les auteurs reconnaissent que le terrorisme est un fléau qu'on ne peut pas et qui ne sera pas éliminé facilement. Conséquemment, un autre thème ressort des articles soumis, en l'occurrence la nécessité de se familiariser davantage avec les complexités et les nuances du terrorisme, si l'on veut trouver les moyens d'apaiser et de vivre avec le terrorisme. Un autre thème est abordé dans plusieurs des articles, soit que la notion de terrorisme est chargée de valeurs et reflète certains penchants sociaux ou politiques. Comme l'a déjà souligné l'ancien leader de l'Inde, Mahatma Gandhi : « [traduction] la moralité, c'est de la contrebande en période de guerre ».

De plus, et en conformité avec la tradition des publications d'*Actualités-Justice*, je tenais à assurer une représentation d'étudiants, tant francophones qu'anglophones. Comme le reflète la table des matières de ce numéro, nous sommes parvenus à équilibrer ces trois éléments. À cet égard, je tiens à souligner l'aide et l'appui apporté par Nancy Wright (rédactrice) pour obtenir des textes en français, de même que l'aide de Garth Davis, Ph. D., (School of Criminology, Simon Fraser University), qui nous a aidés à recueillir des textes d'étudiants. En tant que citoyen du monde, il est difficile de ne pas être touché par les incidents qui se produisent ailleurs. Par exemple, l'attentat perpétré à Nice (le 14 juillet 2016 – Fête nationale des Français) a fait la une des journaux pour plusieurs jours et a déclenché une pléthore de réactions sur la

scène internationale chez plusieurs chefs d'État, dont le premier ministre Justin Trudeau. Ce dernier ne s'est pas contenté de condamner publiquement de telles actions, il a aussi donné aux citoyens canadiens et français le courage de ne pas laisser de telles actions les empêcher de se livrer à leurs activités quotidiennes. Dans une entrevue accordée à la CBC peu de temps après cet attentat, le chef du NPD qui venait de rentrer de Nice a également incité les Canadiens à continuer de voyager et à défier les tactiques de peur des terroristes. Le 15 juillet, sur le site Web du NPD, on affirmait de manière bouleversante « [traduction]. Nous demeurerons déterminés à ne jamais laisser des gestes aussi lâches ébranler notre engagement envers nos valeurs communes. » Il n'est toutefois pas clair s'il s'agissait d'un attentat terroriste ou d'un crime haineux qui tend à comporter des similitudes à un attentat terroriste.

En tant que crimes, les attentats terroristes sont relativement peu fréquents et pourtant, leurs incidences et nos réactions tendent à monopoliser beaucoup d'attention et de ressources. Pourtant, et de manière assez ironique, les attentats terroristes sont généralement l'œuvre de quelques extrémistes zélés visant à susciter la peur (cf. Pfeifer, *Actualités-Justice*, no 32.1) et l'insécurité, de même qu'un sentiment de méfiance au sein de groupes de victimes, en s'attaquant typiquement à des innocents; ces actions rivalisent avec toutes les formes de criminalité.¹ Non seulement les attentats terroristes accaparent-ils l'attention sur les plans local, national et international, mais nos gouvernements respectifs (surtout à la suite des événements du 11 septembre) ont pris des mesures importantes pour minimiser les risques que se produise tout événement potentiel du même genre à l'avenir, des tels gestes constituant essentiellement un crime contre l'humanité. Toutefois, comme le reflètent plusieurs des articles soumis, les mécanismes et stratégies de réponse varient, mais s'adressent collectivement à des thèmes tels que la gestion des risques (cf. Cheung et Levi), le renforcement des capacités juridiques internationales (cf. Laurent et Zuckerberg), de même que diverses approches de prévention par opposition à la propagation de l'usage de la force ou d'une action militaire. Dans l'ensemble ces articles indiquent, ou à tout le moins suggèrent que nous devons nous efforcer de mieux comprendre dans le but de nous attaquer plus profondément aux enjeux du terrorisme. C'est à cette fin, par exemple, que Sécurité publique Canada a publié *Notre sécurité, nos droits : Livre vert sur la sécurité nationale de 2016*, un document ayant pour but « d'engager une discussion et un débat au sujet du cadre de sécurité nationale du Canada, afin d'informer des changements de politique qui seront apportés à la suite du processus de consultation². »

Bien que l'ensemble des articles présentés dans ce numéro ne puissent pas constituer un exposé en profondeur de l'ensemble des thèmes et des enjeux relatifs au terrorisme, j'ai confiance que leur contenu sera informatif, intéressant et surtout qu'il suscitera la réflexion. Car, plus tôt pourrons-nous développer une compréhension objective des nuances et des complexités du terrorisme (soit les liens entre la pauvreté, le sentiment d'injustice et l'émergence de vues radicalisées, etc.), plus tôt pourrons-nous nous investir dans des efforts nationaux et internationaux efficaces destinés à contenir l'incidence de ce phénomène...♦♦

1. Selon certains spécialistes, l'attentat du 14 juillet 2016 à Nice ne constituait pas un geste terroriste - l'auteur de cet attentat, Mohamed Lahouaiej-Bouhlal, un Tunisien résidant en France, n'étant pas connu comme membre d'un groupe terroriste, mais le geste qu'il a posé était violent, perpétré contre des innocents et a suscité la peur chez un grand nombre de personnes, pour ne pas dire toute la France. Il n'est toutefois pas clair si son geste était motivé par des considérations politiques - un élément clé du terrorisme.

2. Les commentaires du public seront les bienvenus jusqu'au 1er décembre 2016.



SEPTEMBER

11

never forget



THE LONG SHADOW OF 9/11: SHOULD WE BE AFRAID OF WHAT MIGHT BE LURKING IN THE DARK?

BY JOHN WINTERDYK

Professor of Criminology, Mount Royal University

- SUMMARY -

While terrorist events usually last only a few moments, they have far-reaching, long-lasting social, political and economic impacts and evoke a universal 'sense of moral panic' when recollected. In addition to a short discussion on the nebulous meaning of 'terrorism', this article offers an overview of how Canada is responding to the risk of terrorism. It concludes with the suggestion that, aside from taking precautions, we shine the proverbial light on what might be lurking in the long shadow of 9/11: Is a conflation of the issues and challenges by different local, national, and international agendas limiting Canada's ability to establish a clear and uniform response to terrorism?

TERRORISM THAT SUCCEEDS ESCALATES

- G. Nettler

HOW MANY OF THESE DATES/
EVENTS DO YOU RECOGNIZE AND
WHAT DO THEY REPRESENT?

September 11, 2001

December 21, 1988

November 13-14, 2015

October 14, 1982

October 5, 1970

March 22, 2016

July 14, 2016

1937 League of Nations¹

While most people may not recall all the details of the events signaled by these dates, the point is that no matter where or when such an event happens, the impact is universal – revulsion, uncertainty, and dread of when it might happen again – a sense of ‘moral panic’.

Although such events usually last but a few minutes and capture massive immediate global attention, they have far-reaching social, political, and economic impacts that can last for a considerable period of time. Immediately after the 2016 terrorist attacks in Brussels, for example, the main airport closed for several days and most airlines allowed free rebooking of flights until the end of the month – a significant economic and social impact. Air Canada did not resume service until almost a month after the incident.

ARE CANADA'S RESPONSES NECESSARY AND ARE THEY ACHIEVING THEIR OBJECTIVES?

Although it is difficult to provide concrete numbers as to the local, regional, national, and/or international impact of a terrorist event, since 9/11 there has been marked increase in Canada's efforts to combat terrorism. For example, pre-9/11, the Canadian government spent approximately \$3 billion on security and public safety programs, while post-9/11 budgets more than tripled to \$9+ billion within a year. In 2015, the then Canadian Conservative government earmarked an additional \$360 million to

fight Islamic state terrorism over the next year alone! That was to be in addition to the \$122 million it had already been spending (Berthiaume 2015).²

Yet, with the exception of the tragic and senseless October 22, 2014 shooting of Corporal Nathan Cirillo – a Canadian soldier on ceremonial sentry duty at the Canadian National War Memorial in Ottawa – by Michael Zehaf-Bibeau – a convert to Islam – Canada has not had any terrorist-related attacks that rival the magnitude of those in Paris or Brussels. The majority of ‘terrorist’ incidents reported in Canada have predominantly involved incidents where the perpetrators tried to achieve domestic objectives (e.g., the Squamish Five, the Freedomites, & the bombing of six pipelines of Encana Corporation around 2008-09). These events not only capture national headlines for weeks, but prompt the government to pour more resources into counter-terrorism measures. Are such responses necessary and are they achieving their objectives?³

In addition to a short discussion on the nebulous meaning of ‘terrorism’, this article offers an overview of how Canada is responding to the risk of terrorism and concludes with the suggestion that, although precautions should be taken, perhaps we have been reluctant to turn on the proverbial light and see that the issues and challenges engulfed in the long shadow of the aftermath of 9/11 are conflated by different local, national, and international agendas and that this limits clear uniform response(s) to such acts.

THE NEBULOUS MEANING OF TERRORISM

Terrorism is a term with deep roots but also complex connotations. As several scholars have pointed out, the primary factors that encumber any attempt to provide a formal definition of terrorism include the use of the term for political purposes, problems associated with the scope of the term (i.e., identifying the roots and purpose of terrorist acts), as well as issues associated with the analytical characteristics of terrorism. Others contend that much of the difficulty surrounding the definition of terrorism stems from the need to develop a single concrete meaning of the term (Fletcher 2006), which can lead to ambiguity. In a general context, however, terrorism involves the use of violence, or

threats of violence, by individuals or groups against civilians, or property. And, as Nettler (1982) described it, terrorists seek to create terror as a way of achieving political ends.

Nettler maintained that all forms of terrorism share the following six fundamental characteristics (paraphrased):

- 1) **no rules** – there are no moral constraints on the type or degree of violence that terrorists can use;
- 2) **no innocents** – terrorists do not distinguish between children, civilians, or soldiers;
- 3) **economy** – terrorists optimize fear by capitalizing on high-return targets (e.g., World Trade Centre, politicians, children, etc.). Kill one, frighten thousands;
- 4) **publicity** – terrorists seek and welcome public exposure for their efforts;
- 5) **meaning** – terrorists acts give meaning and significance to the lives of terrorists (e.g., suicide bombers); and,
- 6) **no clarity** – most acts of terrorism are short-sighted with limited and often have unattainable long-term vision/goals and consequently fail as often as they might succeed. But, terrorism that succeeds escalates. For example, aside from the immediate devastation and visceral response, what did the Paris, Brussels, and Nice attacks accomplish for their cause?⁴

The fact is that the very meaning of terrorism can easily become conflated. For example, many so-called terrorist attacks occur in war zones like Afghanistan, Iraq, Syria, etc. are arguably acts of insurgency by factions and/or rebels that become labeled as terrorist acts, when in fact an act of insurgency is simply a political instrument to bring about change during a time of civil, social, and/or political unrest (see Formal Response Mechanisms, below).

CANADA'S LEGAL RESPONSE TO AND DEFINITION OF TERRORISM

By international standards, Canada has had a relatively peaceful history in relation to terrorist incidents. And while it is possible to point to a bevy of terrorist attacks in our history, we are perhaps ‘better’ known as a country where terrorists have raised funds

(e.g., the Syria-based Jabhat al-Nusra) or planned operations and carried out attacks (e.g., the March 14/16 attack of two police officers in Toronto).

Nevertheless, as has been the case of most countries, the 9/11 attacks in the United States and the June 23, 1985 Air India flight 182 terrorist bombing - by a Canadian nationalist and killing 329 passengers, making it the worst terrorist attack in Canada's history - have prompted us to introduce our own legislation to ensure provisions that would not only serve to protect Canadians but also allow for a formal response to anyone found/suspected of committing a terrorist act in Canada. The *Anti-Terrorism Act* introduced in 2001 introduced amendments to the *Criminal Code*, the *Official Secrets Act*, the *Canada Evidence Act*, the *Proceeds of Crime (Money Laundering) Act* and a number of other Acts. Specifically, section 83.01 of the *Criminal Code* defines terrorism as an act committed "in whole or in part for a political, religious or ideological purpose, objective or cause" with the intention of intimidating the public as "... regard to its security, including its economic security, or compelling a person, a government or a domestic or an international organization to do or to refrain from doing any act."

Briefly, Canada's definition is not much dissimilar from that of England's 2006 *British Terrorism Act*, the 2002 *Homeland Securities Act* in the United States,⁵ or the 2002 *EU Framework Decision on Combating Terrorism*. Even though it has not been possible, to date, to establish a definition that transcends international borders, these and other transnational definitions of terrorism serve to demonstrate the collective interest of governments to protect the safety of citizens (i.e., potential victims). Likewise, similar to the earlier writings of Nettler, Weinberg et al. (2004) observed that most international definitions include reference to three main descriptors by including the terms: "violence," "threat(s)," and "politically motivated tactics". Other terms also found internationally include "influence/coercion" and "fear".

FORMAL RESPONSE MECHANISMS: NO SHORTAGE OF INTENTION IN CANADA

**"INJUSTICE ANYWHERE,
IS A THREAT TO JUSTICE
EVERYWHERE."**

- Martin Luther King Jr.

As quoted on the Public Safety Canada website in 2014, from the United States Department of State's "Country Reports on Terrorism 2013", *more than 9,700 terrorist incidents in 93 countries were reported in 2013. These incidents claimed more than 18,000 lives. In addition, about 33,000 people were injured and nearly 3,000 were abducted or held hostage. Some 57 percent of all reported incidents occurred in Iraq, Pakistan and Afghanistan* (Public Safety Canada 2015).

Although no terrorist incidents were reported in Canada, there were several cases of 'radicalized' individuals who travelled abroad to become involved with a terrorist group (e.g., Mohamed Hersi).⁶

CSIS ET AL...

Formally, a number of branches within the federal government are involved in Canada's anti-terrorism efforts. Perhaps the most important of these branches responsible for investigating possible terrorist threats is the Canadian Security Intelligence Service (CSIS) established in 1984. Other major branches include the following:

- Royal Canadian Mounted Police (RCMP), responsible for the enforcement of our anti-terrorism laws;
- Financial Transactions and Reports Analysis Centre of Canada (FINTRAC), investigating potential terrorist financing in Canada;
- Canadian Border Services Agency, the Department of Public Safety, and the Department of Citizenship and Immigration, which use security certificates to remove from Canada individuals who do not have a right to be in the country and who pose a serious threat;
- Department of Foreign Affairs and International Trade, working with other countries to combat terrorism, sharing information and helping to develop international agreements on specific terrorist acts. Collectively, they reflect the global interest to combat terrorism.

Another area of the government that is involved in combatting terrorism nationally is the Department of National Defence and the Chief of Defence Intelligence (CDI). This latter was renamed Canadian Forces Intelligence Command in 2013 and leads an organization that analyses terrorist threats against the Canadian Forces. In addition to these is the Communications Security Establishment (CSE), which collects intelligence by monitoring foreign telecommunications and other signals exchanged between terrorists and Joint Task Force Two (JTF2), a special operations unit of the Canadian Forces trained to carry out counter-terrorism operations at home and abroad. Canada receives much intelligence through sharing arrangements with its allies, particularly the US, Great Britain, and Australia.

TIME TO TAKE A DEEPER LOOK AT 'THE SHADOW'

Even though the events of 9/11 didn't 'change everything', there is little doubt that the tragic event did spawn a massive proliferation of reports, research initiatives, and strategies ranging from intervention to prevention. Some of these trends and initiatives are reflected in the various articles from around the globe presented in this special issue of the *Justice Report*.

Any incident of terrorism typically results in a public outcry and, increasingly, the public - spurred in large part on extensive media coverage that sometimes verges on sensationalism - bands together to express its disdain and defiance of such acts. One need only reflect on the outpouring of public commentary in the aftermath of the recent events in Nice, Brussels, Paris, and Ottawa to know this is true. As reflected by the number of academic publishing on these topics, and the media coverage, however, the public's attention ebbs and flows with the nature and gravity of such events. For example, according to Google Trends, between 9/11 and 2004, approximately 100 related English-language books with a focus on some aspect of terrorism were published. Since then there has been a significant decline except for a small spike in 2015 with 40 books published. Paradoxically the aftermath of Nice, Paris and Brussels saw more media-related stories than post 9/11.

As the public is the 'hidden fourth' informal element of the criminal justice system who,

when motivated, can play a critical role in informing legislation. Since around the early 1990s, public-opinion research has increasingly played an important role in informing government bodies, political party lines, among other. As Gazso and Haggerty (2009) pointed out, in the aftermath of 9/11, politicians routinely capitalized on public opinion, or at least public sentiment, to justify hastily constructed surveillance policies. Yet, as has been repeatedly documented and demonstrated, such actions have done little-to-nothing in preventing future acts of terrorism. If for no other reason than upholding that which virtually all Canadians value - democracy, freedom, and tolerance of diversity - we must critically question not only whether increased securitization will erode our cherished values, but to what end? Furthermore, as John Mueller (2006) observed in his book entitled *Overblown*, we must also remain mindful of not letting politicians and the terrorism industry bloat our perceived need for increased national security.

Finally, although prediction is a risky business, we should remain cognizant of the fact that terrorism is a complicated topic, often conflated by social and political prejudices which pose a range of challenges as to how best to respond to acts of terrorism. It has been described as a 'weapon of the weak', since its impact tends to be sporadic and, relative to war, the damage more limited. Therefore, we also need to be mindful that while acts of terrorism (especially in Canada) are relatively infrequent, the associated (real and perceived) sense of terror continues to augment as we (and the media in particular) obsess on worst-case scenarios. And while it might be convenient to try and justify a 'war on terrorism', we in Canada (and arguably those in most other regions of the world) need to try and better understand the problem, or 'enemy', in order to provide an informed perspective and help mitigate overreactions inspired by media sensationalism and vested political and various interest groups. To this end, there already exist a number of objective threat-assessment matrices that should be further explored and used to better inform policy and the (Canadian) public. Finally, we might want to be mindful of a quote found in Mueller and Stewart's (2016) book: "constructing a detailed scenario for a possible future event [that is terrorism] makes that event more readily imaginable and, therefore, increases its perceived probability" (p 265). ••

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1. The League of Nations (in 1943 it was replaced by 'United Nations' at the Tehran Conference) introduced the modern definition of terrorism. Terrorism was defined as: "All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public."
 2. According to Mueller and Stewart (2016: 281), the FBI's 2001 counter-terrorism budget was around \$600 million, while its 2014 budget is estimated to have been around \$3 billion!
 3. According to Google Trends the event triggered more related news stories than did 9/11 or any other terrorist events.
 4. An interesting example of how the term 'terrorism' can and has been used for political purposes as opposed to various attempts to 'clearly' define and operationalize it can be found in El Salvador where the government has declared the two primary street gangs (i.e., MS13 and Barrio 18) as terrorists (see <http://www.insightcrime.org/news-briefs/el-salvador-reforms-classify-gangs-terrorists-criminalize-negotiations>).
 5. In 1989 the United States passed the *Biological Weapons Anti-Terrorism Act* and in 1995, largely in response to the terrorist events in the Middle-East, then President Bill Clinton signed a bill prohibiting any transactions with terrorists (this makes it sound as though transactions could be signed with terrorists threatening other groups) who might threaten to disrupt the Middle-East peace process.
 6. In 2010, Mr. Henri became first person in Canada ever to be convicted of trying to join a terrorist group. He was sentenced by Justice Deena Baltman to 10 years in prison. In August 2016, the RCMP received a tip based on a 'martyrdom video' from the FBI about a possible 'terrorist' suicide bomber. The suspect, 24-year-old Aaron Driver, residing in Manitoba, was apprehended with 72 hours.

RÉSUMÉ : THE LONG SHADOW OF 9/11: SHOULD WE BE AFRAID OF WHAT MIGHT BE LURKING IN THE DARK?

PAR JOHN WINTERDYK, professeur de criminologie, Mount Royal University

Bien que des événements terroristes ne durent habituellement que quelques instants, ils ont des incidences sociales, politiques et économiques profondes et durables, en plus d'évoquer un sentiment universel de panique morale lorsqu'on se les rappelle. En plus d'une brève discussion de la notion nébuleuse de terrorisme, cet article propose un aperçu des mesures mises en place par le Canada pour faire face au risque qu'il présente. Il conclut en suggérant, en plus de prendre des précautions, que l'on braque les projecteurs sur ce qui pourrait se tapir dans l'ombre des événements du 11 septembre: un amalgame des enjeux et des défis contenus dans différents plans d'action locaux, nationaux et internationaux limite-t-il la capacité du Canada d'adopter une réponse claire et uniforme au terrorisme?

PLEASE SEND ANY REMARKS, OR A COMMENTARY, REGARDING THIS ARTICLE

to Justice Report Editor, Nancy Wright:

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and keep your eye out for the Notices/Feedback section in future issues!

VEUILLEZ ADRESSER TOUT COMMENTAIRE RELATIF A CET ARTICLE

à l'éditrice de l'*Actualité-Justice*, Nancy Wright :

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Demeurez à l'affût de la section Avis/commentaires dans les numéros à venir.

NEW TERRORIST ORGANIZATIONS AND VIOLENCE IN GREECE: A DOMESTIC AFFAIR

BY DR. MARIA ALVANOU

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- SUMMARY -

Following a discussion on how the Paris and Brussels attacks define ISIS as the main security threat in Europe, Alvanou takes a look at the evolution of the terror legacy in Greece. She notes that emergent groups are heirs to Greece's long history of terrorism, comprise old and new members, and that the 'new' terrorism is largely domestic and by definition even includes violent mob activity. In spite of many arrests, maintains Alvanou, these new groups are still active and may be colluding. Calling attention to an important shift from far-left-extremist to anarchist/antiestablishment rhetoric, Alvanou asserts that a clever use of symbolisms not historically associated with the anarchist - leftist scene works to legitimize the manifestos of these new groups by positing terror attacks as an inevitable mode of resistance to the social injustice and economic crisis currently afflicting Greece.



After the attacks in Paris and Brussels, the main security threat in Europe is perceived to derive from the international 'Islamism' terrorism network. ISIS (Islamic State of Iraq and Syria) took the lead from Al-Qaeda and such operational methodologies as suicide (bomb) attacks and knife stabbings moved from the Middle East into the heart of Europe. Yet, this is only one of the many faces of terrorism in Europe, and the domestic terror scenes in the various individual European countries should not be ignored. Greece offers an example of a country that has been facing terror threats not due to a jihadi campaign, but by groups supporting a fusion of anarchist and anti-authority ideology, rejecting the existing political system and taking advantage of institutional problems. The country shows symptoms of a general pathogenic situation with political scandals, government problems, a dysfunctional justice system, corruption, and of course an economic crisis that has affected deeply the quality of everyday life for citizens. The terrorist organizations that have been active in recent years use the situation described above as a pretext for their attacks.

THE LEGACY OF "17 NOVEMBER" AND "ELA" – TURNING A NEW PAGE IN TERRORISM

Greece has a long history of terrorism, with operational groups belonging mainly to extremist leftist-ideologies. The "17 November" (aka 17N or the 17 November Group) and "ELA" (Επαναστατικός, Λαϊκός Αγώνας = Revolutionary Popular Struggle) organizations, the most notorious, became active after 1974 (the year the dictatorship ended), and their terrorist activity lasted for decades. They were an important threat to public order and attacked mainly collaborators of the colonels' junta and targeted US, NATO, and various foreign interests. Their reign ended when police authorities arrested the 17N members in 2002, whereas ELA stopped its operations in 1995 due to its own political decision-making. There was the assumption by some that the dismantling of these organizations meant the demise of terrorism. Unfortunately, only a relatively small period of peace was gained, as a new violent period started in 2003, with new terror organizations appearing dynamically.

The renowned "Nuclei of Fire" started its activity in 2008 and appears to work as a network of small groups, even as an um-

rella organization, "Revolutionary Fight" (began its activity in 2003), "Sect of Revolutionaries" (started its activity in 2009) and other small "hit and vanish" groups became the heirs of the terror legacy "17 November" and "ELA". Many have spoken about a mix of new and old blood, those of the "old guard" who were not arrested by the authorities and now serve as the ideological patrons of the "new guard", although there is a distinct shift to an anarchist/anti establishment rhetoric that is different from that of the old "hard-core" far-left. Though Greek police forces have arrested many members of the new groups, they are still active and there is some compelling evidence of cooperation between terror organizations.

OLD AND NEW OPERATIONAL METHODOLOGIES

From an operational point of view, the new groups have been following the old ways of avoiding mass casualties. Even when a bomb is planted in a public space (for example outside a university, at a shopping mall, or in front of the main square in Athens, cases theoretically labeled as "indiscriminate attacks"), prior phone calls lead to evacuation. If terrorists want to target human lives, they can do it. This type of planting bombs



is actually more an exhibition of power and potential, a test of what the terrorists can but do not want to do (at least not yet).

On the other hand, there have been operational novelties and initiatives: bombs in trash cans, raids with machine guns of TV stations and police departments, bombs in court houses, bombs mailed to ministers personally, and parcel bombs against embassies and foreign government members and institutions abroad. As the organization "Nuclei of Fire" put it regarding their parcel bomb campaign against foreign targets:

Today the start of a new phase in the development of revolutionary thought and action is imperative. A qualitative leap that will bring common choices that are hundreds of kilometers away, one step closer. Our aim is to create an informalistic anti authoritarian international network of rebel groups and autonomous individualities. The creation of a network where the participating comrades and groups will exchange experiences from the whole spectrum of the struggle, from the spontaneous anarchism, from the armed struggle, the political anonymity, from the rioting stream.

THE RHETORIC AND IDEOLOGY OF THE NEW TERROR SCENE

The ideology of terrorists is evident in their manifestos, where they express their goals and aspirations. Their rhetoric aims to le-

gitimize attacks as a response and form of inevitable resistance to the economic measures and overall social crisis, since the political system does not offer a way out of the present situation. The language, arguments and phrasing are not sophisticated, there is no 'hard ideology'. The audience or target group they want to reach extends beyond affiliates to everyday people who suffer from financial and institutional crisis. Cynical language, everyday expressions and examples of injustice are used along with a clever choice of symbolisms, often not belonging to the anarchist-leftist scene (which is the ideological point of reference for this new terror wave). For example, in a parcel bomb attack against the Minister of Public Order (that has still been troubling the authorities about who exactly was involved), the manifesto concluded with the famous phrase - "He, who thinks freely, thinks well" - used by national hero and ideologist Rigas Feraios during the struggle against Ottoman Occupation). Also the named sender of the parcel was "Thanasis Klaras" (the real name of Aris Velouchiotis, the Greek guerrilla fighter of ELAS during the struggle against the German occupying forces in WWII) and the phrase "when the government is violating the rights of the people, the armed riot is for the whole of the people or for part of it, the most holy and necessary duty" was in the foreword of the text.

The attempted connection is quite clear: It likens those who perpetrated the attack to heroes of the Greek Revolution and proclaims Resistance against the present oppressors of Greek people, only now the enemy is the Greek political establishment and foreign European powers that have stolen the sovereignty of Greek people. In another attack outside the administrative courts of Athens (by "Nuclei of Fire"), the manifesto's content described the problems faced by everyday people due to a justice and prison system and economy in crisis. In the Greek case, one can argue that there is a form of "economic-secular radicalization" behind members joining anarchist and anti establishment groups, with an ideology confronting the state and choosing a path of violent opposition as a valid option. The enemy is every aspect of the establishment, which is perceived as oppressive and responsible for what has been happening in the country and thus must be overthrown.

VIOLENT "SOCIAL UNREST": ANOTHER TYPE OF TERRORISM

In most books, terrorism is situated within a legal definition context as well as positioned within the various legislations and international conventions. Yet, historically, the term terrorism was used to describe the reign of terrorizing violence after the French Revolution. Moreover, the word terrorism in Greek would translate as "τρομοκρατία" (the power of terror). In this sense, any terror that reigns in society is considered terrorism. Thus, what Greek people witnessed and endured during December 2008 can be described as terrorism, with the killing of a 15-year old school boy by law-enforcement personnel in Exarchia, an impoverished area in Athens considered the favored place of anarchists. The event triggered the expression of strong disapproval and frustration against not only police brutality, but the whole set of financial, political and institutional problems. Mass demonstrations were followed by riots throughout the country. Against a backdrop of social unrest, anti-establishment and anarchist groups, along with mobs, perpetrated acts of violence. Short Message Service (SMS) and Internet (especially social e-networks) were used in the real-time coordination and organization of violent attacks, but it is still hard to clearly distinguish orchestrated acts from spontaneous violent activity.

For days, from December 6 until January 14 2008, the country was in turmoil. Not just Athens, but many cities throughout the country were burned and vandalized, property was looted or destroyed, and the safety of people was compromised. Mob violence was the most alarming, as people seemed to be taking advantage of the chaos to express their individual anger, rage, frustration (and sometimes even inner violence). Additionally, attempts to enter and occupy Parliament, as well as actions of aggression against members of the political arena, threatened the state's stability. There did not seem to be a clear-cut political ideology behind the events of December 2008 but, rather, a generalized approach rejecting the whole political system. Symbols of the state were attacked and Greeks suffered from terror and uncertainty, with their everyday lives disrupted and their properties and lives at risk. The outcome of the violence reached the level of terror. The riots of December, 2008 set a precedent in social-unrest violence and are considered a landmark in the country's history of extremist violence.

GREEK SECURITY IMPLICATIONS

Up until the date of writing this article, no attack has been perpetrated on Greek soil or against Greek interests abroad under the international Islamist extremist umbrella. Talk about the terror threat in Greece still posits it as a domestic affair. Nevertheless, two Swedish nationals have been arrested in Thrace (a region in the north-east of Greece) and were indicted some months ago on terrorism charges (allegedly they were jihadists in transit). Additionally, since the country is part of Europe and the European Union, European problems of security are also problems for Greek security. The geographical position of Greece as well as the influx of refugees and immigrants creates an extra challenge for security. This is why the country's law enforcement is ever-vigilant in countering any possible attack(s). Regardless, the domestic terror groups still pose the most eminent threat. Even the dynamics of cooperation between the existing terror cells in the country and Islamist ones - while far-fetched - cannot be excluded as a possibility. As the history of terrorism has shown, there are no red lines and no absolutely improbable scenarios. ••

RÉSUMÉ : NEW TERRORIST ORGANIZATIONS AND VIOLENCE IN GREECE: A DOMESTIC AFFAIR

PAR MARIA ALVANOU, Ph. D., criminologue experte en terrorisme et chargée de cours à la Greek National Security School, Athènes, Grèce.

Après avoir discuté de comment les attentats de Paris et Bruxelles ont contribué à définir le groupe État islamique comme la principale menace en Europe, Alvanou se penche sur l'évolution de l'héritage de terreur en Grèce. Elle souligne que certains groupes émergents sont les héritiers du long historique de terrorisme de la Grèce; ceux-ci sont constitués d'anciens et de nouveaux membres. Le nouveau terrorisme est essentiellement domestique et, par définition, il inclut même certaines activités violentes de la pègre. Aux dires d'Alvanou, malgré de nombreuses arrestations, ces nouveaux groupes sont toujours actifs et sont peut-être de connivence. Elle attire l'attention sur un changement important, en l'occurrence le passage d'un discours extrémiste d'extrême gauche à un discours anarchiste et contestataire. Elle affirme que le recours astucieux à des symboles n'étant pas historiquement associés à l'idéologie anarchiste de gauche contribue à légitimer les manifestes de ces nouveaux groupes en posant comme postulat que des attaques terroristes s'avèrent un mode inévitable de résistance à la crise d'injustice sociale et économique qui sévit actuellement en Grèce.

TERRORISM AND COUNTER-TERRORISM – INDIA'S ROLE

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- SUMMARY -

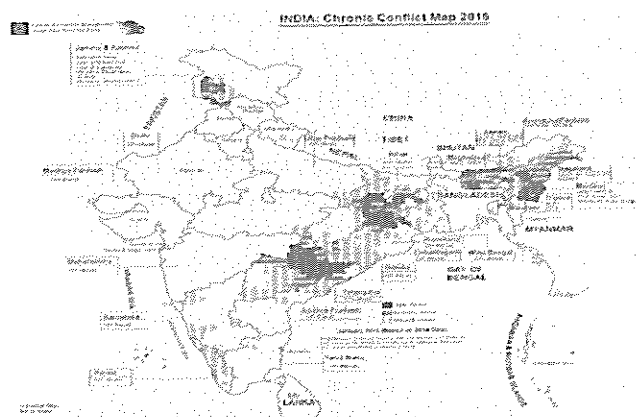
This article explores terrorism in India within a framework of its being the world's largest democracy and 2nd most populated country, home to all major religions of the world and multiculturally diverse and federalist, plagued with economic disparity and structural inadequacies. These factors, note Chakraborty and Dube, combine with its geographical position to make it, according to the Global Terrorism Index, the 6th worst country afflicted by terrorism. Relating money to militancy and socio-economic disparity and unemployment to youth crime, the authors tag terrorism as one of India's biggest challenges, with 859 terrorist attacks claiming 488 lives in 2014. Discussing India's multiple insurgent/terrorist groups and ongoing attempts to counter them - including intelligence, military, and police organizations within the Indian Government, a plethora of laws, and a number of remedial measures to deal with terrorism - the authors identify the need to examine the prevailing internal environment and its direct bearing on the growth of terrorism.



A GLIMPSE OF COUNTRY & TERRORISM

India, with its geographical positioning and cultural diversity, provides an apt target for terrorist activities. It is the world's largest democracy, has a federalist system and, next to China, is the second-largest country in terms of population. It is incredibly diverse, with over 2000 ethnic groups, 1,652 languages and dialects, including 122 languages that have over 10,000 speakers. India is home to almost all major religions of the world, including Hindu, Christian, Islam, Sikh, etc. It is also the ground of the widest economic disparity, with the poor sometimes residing alongside billionaires.

India was the fifth worst-affected country by terrorism in 2013, with the other five being war zones. By 2015, according to Global Terrorism Database, it had slipped into sixth position, with over 900 terrorist attacks (bombing/explosions being the most common) throughout the nation claiming over 600 lives.



SOURCE: South Asia Terrorism Portal, Institute for Conflict Management

Terrorism has thus become one of the biggest challenges facing the country. The Parliament attack in December 2001, the Mumbai blast in November 2011, the Pune bomb attacks in August 2012, and the more recent Pathankot airbase attack in the first half of 2016 indicate that the threat of terrorism has been spreading its grip over the nation and claiming innumerable lives and property (see Table 1).

TABLE 1
INCIDENTS OF TERRORIST ATTACKS
IN INDIA (2008 TO 2015)

YEAR	INCIDENT	CASUALTIES	
		Persons Killed	Persons Injured
26.11.2008 - 28.11.2008	Terrorist Attacks in Mumbai	174	292
29.09.2008	Bomb Blast at Malegaon, Maharashtra	6	29
29.09.2008	Bomb Blast at Sabarkantha, Gujarat	1	10
27.09.2008	Bomb Blast at Mehrauli, Delhi	-	-
13.09.2008	A Series of 5 Bomb Blasts in Delhi	22	131
26.07.2008	A Series of 18 Bomb Blasts in Ahmedabad	57	157
25.07.2008	A Series of 8 Bomb Blasts in Bangalore	1	8
13.05.2008	Serial Bomb Blasts at Jaipur	68	150
01.01.2008	Attack on CRPF Group Centre at Rampur	8	3
16.10.2009	Margao Blast	2	-
07.12.2010	Bomb Blast in Varanasi (UP)	2	20
19.09.2010	Jama Masjid (Delhi) Firing and Explosions	-	2*
17.04.2010	Chinnaswamy Stadium Blast, Bangalore	-	20
13.02.2010	Bomb Blast in Pune	17	64
07.09.2011	Bomb Blast High Court, New Delhi	15	67
13.07.2011	Serial Bomb Blasts in Mumbai	27	127
25.05.2011	Bomb Blast in parking Place outside High Court, New Delhi	Nil	Nil
13.02.2012	Blast in a Car of Embassy of Israel	Nil	4
01.08.2012	Serial Bomb Blast in Pune	Nil	1
21.02.2013	Twin Bomb Blast in Hyderabad	18	131
17.04.2013	Bomb Blast in Bengaluru	Nil	16
07.07.2013	Bomb Blasts in Bodhgaya	Nil	2
27.10.2013	Serial Bomb Blasts in Patna	6	89
01.05.2014	IEDs Explosion in Train No. 12509 (Bangalore-Guwahati Express) Bound for Guwahati	1	14
02.10.2014	Bomb Blast in in Burdwan	2	1
28.12.2014	IED Blast in Bengaluru	1	3
27.07.2015	Terror Attacks in Gurdaspur District of Punjab	7	17

SOURCE: Indiatat

AFFECTED STATES AND ZONES

The regions most affected by terrorist incidents are Jammu and Kashmir (J&K), North-eastern states and Andhra Pradesh. Other provinces, such as Punjab, Delhi, Pune, have been added in recent times, though they are more sporadic.

Located at the northern tip of India's territory, J&K has been the focal point of territorial dispute since Independence. According to the Ministry of Home Affairs, Government of India, the J&K State has been afflicted by terrorist and secessionist violence, sponsored and supported from across the border, for more than two decades. Since the advent of militancy in J&K (in 1990), 13,904 Civilians and 4,922 Security Force (SF) personnel have lost their lives (see Table 2).

TABLE 2
TRENDS OF TERRORIST VIOLENCE IN J & K

YEAR	INCIDENT	INCIDENT SECURITY FORCE KILLED	CIVILIANS KILLED	TERRORISTS KILLED
2011	340	33	31	100
2012	220	38	11	50
2014	222	47	28	110
2013	170	53	15	67

SOURCE: Ministry of Home Affairs, Government of India

The North-eastern region, which comprises eight States, presents an intricate cultural and ethnic mosaic with over 200 ethnic groups with distinct languages, dialects and socio-cultural identities. A number of militant outfits, in bid of diverse demands, have consistently targeted politicians and infrastructure in an attempt to force out government influence in the north-eastern states. The States of Assam, Manipur, Nagaland and Meghalaya continue to account for the bulk of insurgency-related incidents of violence. The other States have remained comparatively peaceful (see Table 3).

TABLE 3
SECURITY SITUATION
IN THE NORTH-EASTERN REGION, 2007-2014

YEARS	INCIDENTS	EXTREMISTS ARRESTED	EXTREMIST KILLED	SECURITY FORCE KILLED	CIVILIANS KILLED
2007	1489	1837	514	79	498
2008	1561	2566	640	46	466
2009	1297	2162	571	42	264
2010	773	2213	247	20	94
2011	627	2141	114	32	70
2012	1025	2145	222	14	97
2013	732	1712	138	18	107
2014	824	1934	181	20	212

SOURCE: Ministry of Home Affairs, Government of India

Meanwhile, in the north-eastern regions of Bihar, Jharkhand, Chhattisgarh, and Andhra Pradesh, the Naxalite movement has resulted in low-intensity insurgency claiming hundreds of lives every year. The problem also exists in certain pockets in the States of Maharashtra, West Bengal, Madhya Pradesh and Uttar Pradesh (see Table 4).

TERRORIST GROUPS IN OPERATION

Scores of insurgent and terrorist groups are operating in the country. Five are recognized by the U.S. State Department as Foreign Terrorist Organizations (FTO) or other "groups of concern":

- **Lashkar-e-Taiba (LeT)** - militant Islamist group operating in Pakistan and Jammu &

Kashmir. The group reportedly received funding from Pakistan's intelligence services until 2001, when the United States designated it an FTO and Pakistan froze its assets. LeT aims to win sovereignty for J&K. The group is blamed for some of the most high-profile terrorist attacks in India, including the July 11, 2006 Mumbai commuter rail bombing.

- **Jaish-e-Mohammed** - Pakistan-based terrorist group operating in J&K. Founded in 2000, Jaish-e-Mohammed seeks to drive India out of J&K and transfer control of the region to Pakistan.

- **Harakat ul-Mujahideen (HuM), or the "Islamic Freedom Fighters' Group"** - founded in 1985 as an anti-Soviet group fighting in Afghanistan. When Soviet forces withdrew in 1989, the Pakistan-based HuM shifted its focus to J&K.

- **Harakat ul-Jihad-al-Islami (HUJI)** - founded in 1980 to fight Soviets in Afghanistan but since concentrated its efforts in J&K. HUJI primarily attacks Indian military targets, but it is believed to be linked to the 1995 abduction and slaying of five Western tourists in J&K.

- **Indian Mujahideen (IM)** - terrorist organization, banned in 2010 by the Government of India. The group vows to demolish all faiths except Islam in India and has been responsible for several deadly attacks including the 2008 Ahmedabad serial blasts killing as many as 50 people, and more recently the 2011 Mumbai bombings killing 26 and injuring some 130 people.

Recently, the Government of India has identified 65 terror groups as being active in the country. The list of terrorist groups active in various states shows J&K has five such organizations, including Lashkar-e-Taiba, Hizbul-Mujahideen, Jaish-e-Mohammed, Harkat-e-Mujahideen and Al Badr. In the North-east, Assam has 11, Meghalaya 4, Tripura 4, Nagaland 4, Mizoram 2 and Manipur 34. Babbar Khalsa International, Khalistan Zindabad Force and Khalistan Commando Force are the three militant groups active in Punjab. Various terrorist groups like LeT, IM, HM, HuJI, Al Badr are also active in the hinterland, particularly in Uttar Pradesh, Maharashtra, Gujarat, Karnataka, Kerala, Rajasthan, Andhra Pradesh and Delhi.

TABLE 4
LEFT-WING
EXTREMISM VIOLENCE
DURING 2011-2014

YEAR	INCIDENTS	DEATHS
2011	1760	611
2012	1415	415
2013	1136	397
2014	10 901	309

SOURCE: Ministry of Home Affairs, Government of India

COUNTERING TERRORISM AND PROSPECTIVE SOLUTIONS

Currently, over a dozen of intelligence, military, and police organizations within the Indian Government contribute to counter-terrorism efforts. These include state-run police forces, special security forces to guard airports and other high-profile targets, and paramilitary forces that patrol the borders and assist police when necessary. India has also several intelligence agencies that monitor terrorist activities. The Research and Analysis Wing (RAW) is the external intelligence agency and the Intelligence Bureau (IB), a division of the Home Affairs Ministry, collects intelligence inside India. A Joint Intelligence Committee analyses intelligence data from RAW and IB as well as from a handful of military intelligence agencies, which usually provide tactical information gathered while carrying out counterterrorist operations.

On the legislative front, a plethora of laws have made their way over the years since gaining Independence from the British Empire in 1947. In addition to the Indian Penal Code, 1860, which criminalizes acts such as waging war against the Government of India, the Unlawful Activities (Prevention) Act 1967 (last amended in 2008) has been in vogue to curb unlawful activity associations. In 1980, the National Security Act was enacted for countering the threat posed by insurgency and to maintain internal security. The first legislative effort by the Government to define and counter terrorist activities, especially in the light of growing terrorist violence in Punjab, was in 1987 with the passing of the Terrorist and Disruptive Activities (Prevention) Act. Amidst growing concerns over its misuse by the authorities, the Act found little support and was allowed to lapse in May 1995. The Prevention of Terrorism Act was enacted in 2002 with the objective of strengthening anti-terrorism operations in the country, but was repealed in 2004.

A significant milestone was achieved with the setting up of a specialised agency, National Investigation Agency (NIA), under the Act after the Mumbai terror attacks in 2008. The NIA constitutes an investigation agency at the national level to investigate and prosecute offences affecting the sovereignty, security and integrity of India, security of States, friendly relations with foreign States, etc. The last few years have also witnessed notable judicial pronouncements prescribing stern punishments for terrorists including capital sentences.

PROSPECTIVE REMEDIAL MEASURES

It is necessary to examine the prevailing internal environment which has a direct bearing on the growth of terrorism in the country. The realities in this context are the fact that our consolidation as a secular, federal and democratic state is still evolving; and that the diversity of our multi-ethnic/multi-religious society is often exploited by fundamentalist forces. The absence of adequate employment opportunities and unequal development, the resultant poverty and the accompanying frustration has encouraged unemployed youth to take up criminal acts. The involvement of large amounts of money is a specific inducement to take to militancy. The other significant points accelerating terrorism are:

- Ineffective Anti-Terrorism legislation and misplaced judicial-activism.
- Uneven socio-economic development.
- Demographic displacement resulting in social / ethnic tension.
- "Structural" inadequacies in the state apparatus, namely:
 - (i) weaknesses in the intelligence structure – human as well as technical, (ii) inadequate modernisation of Police, Paramilitary Forces and Armed Forces, (iii) unimaginative media management and coverage, and (iv) reactive response and slow governmental decision-making, lack of clear strategy and policy on Internal Security.

Amongst the existing external environment, the following regional and sub-continental realities merit consideration:

- Our situation between the 'Golden Crescent' and the 'Golden Triangle' leading to a heavy influx of drugs and arms.
- A hostile nuclear Pakistan with a land border of approx. 2,900 km, sponsoring 'state-terrorism' and fundamentalist forces.
- The unresolved border with China (approx. 5,800 km), a country that has active military and nuclear co-operation with Pakistan.
- A long sea border (approx. 7,700 km) prone to pirating and smuggling.
- A contiguous and porous border with unequal smaller SAARC (South Asian Association for Regional Cooperation) nations such as Nepal, Bangladesh, Myanmar and Sri Lanka, with accompanying problems such as illegal migration, trade and smuggling in the border belt and the resultant social tensions.

It is clear that a long-term strategy is required to counter-terrorism in India. It has to be comprehensively addressed on all fronts, political, economic, social, and military. This strategy needs to evolve from our national aims and objectives to protect 'core values':

- Consolidate as a secular, federal democratic state with freedom of speech, equality and justice.
- Protect sovereignty and territorial integrity.
- Promote socio-economic growth and development.♦♦

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RÉSUMÉ : TERRORISM AND COUNTER-TERRORISM - INDIA'S ROLE

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Cet article se penche sur le terrorisme en Inde, ce pays étant la plus grande démocratie du monde et le deuxième pays le plus peuplé, où l'on retrouve toutes les grandes religions, un pays fédéraliste et culturellement divers, aux prises avec de grands écarts économiques et des carences structurelles. Comme le souligne Chakraborty et Dube, ces facteurs, conjugués à la situation géographique de ce pays en font, selon le *Global Terrorism Index* [indice mondial de terrorisme], le sixième pays le plus gravement affligé par le terrorisme. Établissant des liens entre l'argent et le militantisme ainsi qu'entre les écarts socio-économiques, le chômage et la criminalité chez les jeunes, les auteurs citent le terrorisme comme l'un des plus graves problèmes en Inde : 859 attaques terroristes ayant coûté la vie à 488 personnes en 2014. Traitant des nombreux groupes d'insurgés ou de terroristes en Inde et des nombreux efforts visant à les contrer – collecte de renseignements, efforts militaires et des services policiers au sein du gouvernement indien, une pléthore de lois et une multitude de mesures correctrices pour composer avec le terrorisme – les auteurs font ressortir la nécessité d'examiner les problématiques internes qui prévalent et leurs incidences directes sur la croissance du terrorisme.

COMPARATIVE PERSPECTIVES ON COUNTER-TERRORISM PENAL POLICIES IN IRAN AND EGYPT

BY HASSAN REZAEI

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- SUMMARY -

This article questions the criminal justice systems in large authoritarian Muslim countries, such as Iran and Egypt, and their response to terrorism. With a focus on the ideological and constitutional foundations underpinning the ordinary criminal laws of Iran and Egypt, and by highlighting key similarities and differences, Hassan Rezaei explores the main recent counter-terrorism legislations, and what they were created to target, of these two countries. Rezaei labels the Iranian model as Sharia-ruled counter-terrorism based on the protection of the Islamic State from secular forces and the Egyptian model as military rule for the protection of the secular establishment against mainly Islamist groups. Thus, this article offers a critical comparative overview of the main aspects of counter-terrorism legislations in Iran and Egypt, noting a unique similarity between the penal policies of each and questioning the extent to which such repressive authoritarian criminal justice systems can help the global counter-terrorism movement. Also emphasizing the rise of authoritarianism in both countries in spite of current public demands for a rule of law system based on democratic rules and human dignity, the author opines the need for international technical assistance from established rule of law systems.



Dramatic impacts of Islamic terrorism on the everyday life of many societies from beyond their national borders are omnipresent today. Within the last 10 years, the Middle East-North Africa region/MENA, comprised mostly of Muslim-majority societies, had the largest share of populations experiencing religion-related terrorism. Therefore, it will be insightful to question the functioning of criminal justice systems of large authoritarian Muslim countries, such as Iran and Egypt, and how these institutions operate in respect to terrorism.

With a focus on the ideological and constitutional foundations underpinning the ordinary criminal laws of Iran and Egypt, and by highlighting key similarities and differences, this article will explore the main recent counter-terrorism legislations, and what they were created to target, of these two countries.

MAIN ASPECTS OF COUNTER-TERRORISM LEGISLATIONS

Iran and Egypt have both legislated specific penal policies to counter terrorism, however, a unique similarity between them is that they both developed counter-terrorism law

and policy within a context of a post-coup control system.

COUNTER-TERRORISM AS A POST-COUP TOOL

By applying harsh counter-terrorism responses against political opponents, the post-revolutionary criminal justice system of Iran begun its combat with the overthrow of Abolhassan Bani-Sadr, who had become the first president of the country in January, 1980. Bani-Sadr had explicitly intended to dismantle or at least curb the revolutionary committees and revolutionary courts, but the clergy establishment refused.

By holding summary and arbitrary trials, known as "tortured confessions", in the period between 1981 and 1989, the Islamic Revolutionary prosecutors and courts continuously violated not only those human rights guarantees of the Islamic Republic's Constitution, they also disregarded the Iranian obligations under numerous provisions of the foundational human rights treaties, such as the International Covenant on Civil and Political Rights/ICCPR to which Iran has been party since 1975.

Since 2013, a very similar process was repeated in Egypt when the army overthrew the democratically elected Islamist Presi-

dent Mr. Morsi. The military counter-terrorism rhetoric was directly focused against the biggest political opposition, the members and leaders of Muslim Brotherhood/MB, despite their largely non-violent activities. The military rule moved to officially persecute the MB as terrorists. Since 2013, the judiciary has imprisoned the senior leaders of the MB and the April 6 Movement, along with many of their active members.

EGYPT'S COUNTER-TERRORISM LAWS

Egypt introduced terrorism as a specific crime in its penal code in 1992. The situation remained unchanged until 2006 when the government announced that it was preparing a comprehensive counter-terrorism draft. However, this draft law wasn't passed until July 2013, when the military rule re-activated the draft committee. Then, in mid-February 2015 the new president issued a decree defining terrorist groups and entities. This legislation required the prosecution offices to compile a list of such groups and entities (Art. 1).

COMPREHENSIVE COUNTER-TERRORISM LAW OF AUGUST 2015

In August 2015, the military was ruling by decrees in absence of a democratic legislature. This accelerated the adoption of its own "comprehensive counter-terrorism law". In

54 articles, the law attempts to cover any possible aspect of terrorism. The new legislation created many new terrorism-related offences, however, the new law was notably vague. The most striking element of the new legislation is that it includes provisions for the death sentence for those found guilty of establishing or leading terrorist organizations, while simultaneously providing the police with impunity safeguards in its fight against terrorism.

In this regard, Iran and Egypt are moving in a very similar direction, though Iran is leading. There are more than 100 offences punishable by death under Iranian penal provisions. Crimes punishable by death under Iranian law include armed resistance against the state (defined as enmity against God), murder, drug trafficking, economic corruption, homosexuality, etc. The new Egyptian legislation has been sharply criticized by regional and international legal and human rights organizations. The new law establishes permanent special counter-terrorism circuits in the criminal justice system. Based on this legislation, the MB was immediately declared a terrorist organization. Virtually all the Brotherhood's leaders were arrested and imprisoned under the military justice system, including the deposed President M. Morsi and M. Badie, the MB's highest spiritual leader.

INCITEMENT TO TERRORISM

Egypt's *Counter-terrorism Law* of 2015 contains several articles regarding incitement to terrorism. Based on Article 3 and 6, inciting violence is punishable, mainly by the death sentence. Article 28 states "whoever promotes or prepares to promote, directly or indirectly, the perpetration of any terrorist crime, whether verbally, in writing, or by any other means, shall be punished by imprisonment for no less than five years". Indirect promotion shall include the advancement of ideas and beliefs inciting the use of violence by any of the means set forth in the succeeding paragraph of Article 28. Article 29 also criminalizes the use of social media and websites deemed to spread terrorist messages and will carry sentences of five to seven years (Art. 3, 6, 29).

By contrast, Iranian criminal law does not directly criminalize incitement to commit terrorist acts. However, the 2003 Counter-terrorism Bill, which is still pending in the Judicial Commission of the Majlis (Islamic Parliament), contained some provisions on incitement. Currently under Article 43 of the

2013 Penal Code: "... every person who incites or encourages or threatens or suborns someone else to commit an offence, or through a plot, trick or deception, causes an offence to be committed" will be punished. The Islamic revolutionary courts have sentenced hundreds of journalists, writers, artists and academics under this provision alone. Additionally, Article 512 of the same code states that "anyone who, with the intent to disrupt national security, induces or encourages people to war with one another and slaughter each other, regardless of whether or not [such actions] cause murder and ravage, shall be sentenced to one to five years' imprisonment".

SELECTIVE USE OF ISLAMIC RETRIBUTIVE CONCEPTS AND RULINGS

The Iranian criminal policy utilizes the terminology of traditional Sharia criminal rulings whenever there is need to demonize defendants. Although Egyptian criminal justice has never been based on Sharia rulings, during the journalists' trials the Egyptian prosecutors used verses from the Quran to describe the activities of the journalists and, in due course, the judges followed their lead in the final judgment, finding that "Satan joined [the journalists] in the exploitation of this media activity to direct it against this country".¹

From 1981-1983 the Islamic post-revolutionary lawmaker of Iran introduced the package of Sharia criminal laws. These codes transformed the traditional Sharia sentencing system into a counter-terrorism law. Borrowing from traditional Sharia criminal law, Iranian criminal law has created a specific criminal title for acts of terrorism (i.e., "the fighting against God and making mischief on the earth" - *mohāribehvāifsād fil-ard*). It is perhaps noteworthy that in traditional Sharia criminal law this category of crimes rulings are not about terrorism; rather, they are intended for armed robbery and bandits whose actions create public terror.²

When, in June 1981, Ayatollah Khomeini dismissed the president and began a violent crackdown on oppositional groups, the Islamic revolutionary courts and their respective prosecution offices played a major role in the process by application of this harsh, Sharia sentencing system. They even exceeded and redefined a leftover category of offenses known in classical Sharia commentaries generally as *baghy* rulings or "rebellious against the Islamic Rule". Using

such old Sharia terminologies, any person or group who committed such offenses were characterized as "enemies of God" and deserved capital punishment. Since 1980, and exactly by reference to these concepts, thousands were hanged in Iranian prisons³—the majority for political and drug offences. The mass executions of political opposition prisoners (i.e., intellectuals, students, left-wingers, mostly members of the People's Mojahedin Organization of Iran/MEK, including women and juveniles), in the summer of 1988 took place according to a Fatwa issued by Ayatollah Khomeini, using the deviated definition of *baghy* rulings. The exact number of killings is unknown, but the then deputy supreme Leader for Ayatollah Khomeini, 1985-1987, noted "2800 or 3800 persons, as far as he can recall".⁴

FINANCING TERRORISM

Until March 2016, Iran had no specific legislation on the financing of terrorism; however, in March 2016 Iran enacted the Law of Combating the Financing of Terrorism (CFT). The approval of the CFT became one of the major conditions for lifting sanctions related to the banking system. Yet, the Iranian CFT is different from other conventional international rules in this field.

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Section 2 of Art. 1 of the CFT Law stipulates that "the actions of individuals, nations, groups or organizations towards the liberation from domination, foreign occupation, colonialism and racism will not be regarded as the instances of terrorist acts under this law. The Supreme National Security Council is the responsible body for determining the issues and groups subject to this clause." Therefore, the motive of perpetrators in constituting terrorism and its financing is important, because the same terrorist acts committed with other motives are not considered as terror acts.

In Egypt, the Counter-terrorism Law 2015 takes an expansive retributive approach to terrorism financing as well. The provisions for financing terrorist groups stipulate life imprisonment (Articles 3, 6, and 29) for financing an individual terrorist. If the financing is for groups, however, the punishment is then the death penalty.

When it comes to dealing with security-related issues, both Iran and Egypt, unlike most countries that rely on rule of law, have avoided establishing a justice system based on formal and informed protocols. In less than two weeks after the victory of the revolution in February 1979, the Islamic Revolutionary courts were created as provisional exceptional courts without any constitutional basis. In practice, these courts deal with any case that is referred to them by different, sometimes parallel, intelligence services. These cases can range from real terrorist acts to very simple humanitarian activities planned by dissent. In addition, over the past two last decades, the prosecutors and judges of Islamic revolutionary courts have established a sort of revolutionary and secret judiciary for the system led by the Revolutionary Guard.

In its extensive counter-terrorism criminal policy developed over the past four decades, Egypt still relies on old patterns of emergency law and special courts. Since 2013, Egypt's military justice have referred over 800 civilians to military courts based on a presidential decree issued in October 2014. These courts, sometimes in mass trials, have been sentencing hundreds of political dissents to death on terrorism-related accusations. The Egyptian military justice system, as part of the Security Sector, has imprisoned dozens of journalists and largely limited their ability to openly express their (controversial) views and opinions... Not with standing some recent events, Egypt's

highest appeals court has ordered some retrials of journalists and media.

THE CONSTITUTIONALIZATION OF COUNTER-TERRORISM

The post-Arab Spring constitution-making process, as in Egypt, Tunisia and Libya, developed counter-terrorism as a firm constitutional clause. Article 237 of the 2014 Egyptian Constitution mandates the State to "fight all types and forms of terrorism, and track its funding sources as a threat to the nation and its citizens, within a specific time frame while guaranteeing basic rights and freedoms".

In the July 1989 amended version of the Iranian Constitution, there is no such a direct counter-terrorism clause, although different revolutionary clauses exist in the Preamble, Section 16 of Art. 3, and Art. 154. It seems these clauses led to Iran being considered "the foremost state sponsor of terrorism"- at least from the US perspective. However, the Iranian leadership is obviously proud to provide a range of support, including financial, training, and equipment, to groups like Hezbollah.⁵

Further, Article 167 of the Constitution permits courts to make decisions based on "credible Islamic sources" or the *fatāwās* of leading scholars when there is an absence of positive law on a matter. To impose their security-oriented procedures, this article has been used frequently by the Islamic-revolutionary courts in the invention of new criminalization where there is no positive legislation available.⁶

ASSESSMENT AND CONCLUSION

The counter-terrorism penal policies of Iran and Egypt are naturally comparable because of the influence of French criminal law models, a unitary state system and the Islamic and revolutionary contexts (see Table 1). Yet, the unanswered question is to what extent can the repressive authoritarian criminal justice systems, such as the Iranian and Egyptian ones, which are not committed to human rights-based approaches, help the global counter-terrorism movement?

The 2009 Iranian Green Movement and 2011 Arab Spring, along with the 2011 Egyptian mass uprising, each attempted to create a new way to break the cycles of political violence. These movements raised the public demands for a rule of law system, based on democratic rules and the principle of human dignity, but largely fell victim to the criminal laws of entrenched repressive old rulers. The rise of authoritarianism in Iran and Egypt to-

day shows that in this part of world the dichotomy between national security and freedom is very harmful.

Yet under the rubric of fighting terrorism, the Iranian and Egyptian criminal justice systems repressively confronted their political opponents and their democratically elected presidents. The Iranian model can be called Sharia-ruled counter-terrorism based on the protection of Islamic State from secular forces. The Egyptian model seeks the protection of the secular establishment, military rule against mainly Islamist groups. In both countries, however, the counter-terrorism legislation functions as an advantageous tool to repress and intimidate political opponents.

Finally, both Egypt and Iran are in need of international technical assistance from the established rule of law systems in the world to strengthen their criminal justice and other rule of law institutions facing terrorism and related security challenges. Without a serious and comprehensive rule of law-based partnership between these two leading Muslim countries, which are representatives of two major sects of Islamic faith simultaneously (i.e., Shia and Sunni), it will be extremely difficult to tackle the risks of terrorism and religious extremism seeded in this region. ••

1. http://www.huffingtonpost.com/Amal-Alamuddin/egypt-unfair-trial_b_5688388.html

2. S. Tellenbach, the Iran Chapter of *The Handbook of Comparative Criminal Law*, ed. Kevin Jon Heller and Markus Dubber, Stanford University Press (2010), pages 321-349

3. See the most recent UN Report at <http://shaheedoniran.org/wp-content/uploads/2016/03/SR-Report-HRC2016FF.pdf>

4. Ayatollah Montazeri, *Khāterāt* (Memories), Vol.1 (Qom 2000), p. 628

5. See <http://en.farsnews.com/newstext.aspx?nn=13950201001073>

6. H. Rezaei, "Iranian Criminal Justice under the Islamization Project", *European Journal of Crime, Criminal Law and Criminal Justice* 10/1, 2002, pp.54-69

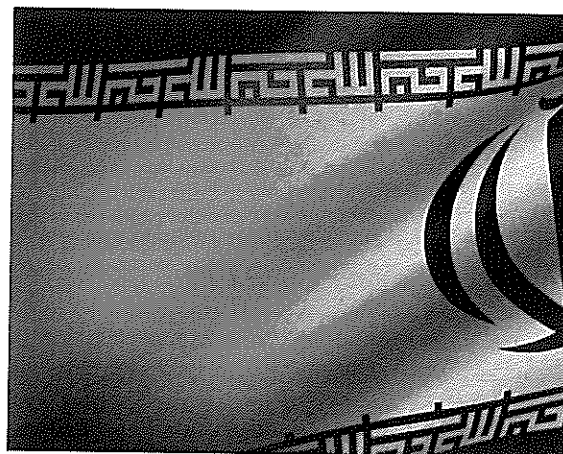


TABLE 1
IRANIAN AND EGYPTIAN COUNTER-TERRORISM LEGISLATIONS COMPARED

COUNTRY	COUNTRY MAJOR LAW MODEL	WHOSE NEEDS ARE SERVED?	SENTENCING	CHALLENGES	CRIMINAL POLICY	JUSTIFICATION OF STATE TERRORISM	INTERNATIONAL OBLIGATIONS
 IRAN	No separate counter-terrorism law yet, the harsh Sharia-based rulings revised in 2013 are adequate	Order of Islamic state-society	From imprisonment to death penalty	Lack of fair trials, Islamic Revolutionary Courts	Theological Totalitarian prioritizing security over fundamental rights and liberties	Islamic Jihadism, Islamic Resistant, Blasphemy crimes	Ratified Int. "Bill of Rights" (ICCPR & ICESCR in 1975)
 EGYPT	Military secular-adoption of a very retributive counter-terrorism law in 2015	Order of a military-controlled secular state	From imprisonment to death penalty	Lack of fair trials, military courts	Military Authoritarianism prioritizing security over fundamental rights and liberties	Nothing declared formally	Ratified Int. "Bill of Rights" since ICCPR & ICESCR since in 1982, also AT in 1986

RÉSUMÉ : COMPARATIVE PERSPECTIVES ON COUNTER-TERRORISM PENAL POLICIES IN IRAN AND EGYPT

PAR HASSAN REZAEI, Iranian-German comparativist scholar based in Freiburg, Germany

Cet article remet en question les systèmes de justice pénale au sein de larges pays musulmans autoritaires, tels l'Iraq et l'Égypte, et leur réaction au terrorisme. Mettant l'accent sur les fondements idéologiques et constitutionnels qui sous-tendent les lois pénales ordinaires de l'Iran et de l'Égypte, et en faisant ressortir les principales similitudes et différences, Hassan Rezaei se penche sur les principales législations antiterroristes récemment adoptées dans ces deux pays et sur ce qu'elles ciblent. Selon Rezaei, le modèle iranien est en fait une approche antiterroriste axée sur la Charia et visant à protéger l'État islamique des forces laïques, alors que le modèle égyptien correspond plutôt à une gestion militaire visant à protéger l'*establishment*, surtout contre les groupes islamistes. Ainsi, cet article présente un aperçu critique comparatif des principaux aspects des législations antiterroristes en Iran et en Égypte, soulignant une similitude particulière entre les politiques pénales de chacun et remettant en question la mesure dans laquelle de tels systèmes de justice pénale autoritaires et répressifs peuvent aider le mouvement mondial du contre-terrorisme. Mettant aussi l'accent sur la montée de l'autoritarisme dans ces deux pays en dépit des demandes du public pour un système fondé sur la règle de droit, axé sur des règles démocratiques et la dignité humaines, l'auteur avance qu'une aide technique internationale s'impose de la part de pays régis par la règle de droit.





A SURVEY OF RECENT JAPANESE TERRORISM AND GOVERNMENT COUNTERMEASURES

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- SUMMARY -

In the 1970s, Japanese leftists participated actively in terrorism, posing a new threat to people all over the world. However, during the economic prosperity of the 1980s, their activities waned. Although increasing numbers of foreigners began entering Japan on business ventures after 1980, Japan has experienced comparatively few terrorist attacks since that time. However, Japan is not immune to the problem and the recent terrorist events combined with local concerns of economic instability have raised new concerns. This article provides a brief overview of some of the key events that have shaped Japan's response to the risk of terrorist attacks and threats, and highlight the measures the country has taken to protect public safety.

EMERGENCE OF TERRORISM BY RADICAL LEFTISTS IN JAPAN

Soon after World War II, leftist movements surged with the spread of communism. In 1960, Prime Minister Nobusuke Kishi signed a revision of the *Treaty of Mutual Cooperation and Security between the United States and Japan*, which sparked passionate opposition among leftists who saw it as strengthening the military alliance. The conservative politicians and the police felt they had insufficient resources and arranged to supplement police squads with rightists and members of Japanese gangster groups.

The renewal of the treaty in 1970 brought new protests, especially by left-wing university students, but by then the riot police system had been strengthened, and coped without involving rightists and gangsters. Some core members of the students' movement were radicalized by the failure to stop the renewal of the treaty.

TERRORISM PRE- AND POST-CONSTRUCTION OF THE NARITA AIRPORT IN 1970s

During the construction of the Narita Airport in the 1970s, many radical leftists joined in protest movements with farmers facing expropriation. In the most violent incident on September 16, 1971, dozens of radical leftists attacked several police officers with wooden bars and threw a petrol bomb, resulting in the deaths of three officers. The acts of terrorism continued even after the opening of the airport on May 20, 1978. In July, 1978, the Police Guard Squad for Narita Airport was founded and still maintains its security.

Some radical leftists, including former leaders of the student movement against the renewal of the U.S. – Japan treaty, engaged in terrorist activities overseas. On March 31, 1970, nine members of the Japanese Red Army Faction of the Japanese Communist League hijacked Japan Airlines Flight 351, from Tokyo en route to Fukuoka, with the goal of establishing a military base for an international revolution. After brandishing weapons, the hijackers forced the plane to fly to North Korea, touching down at Fukuoka Airport in Japan and Gimpo International Airport in South Korea to release the hostages. This, the first aircraft hijacking to take place in Japan, brought a swift legislative response on May 18, 1970, when the *Law for Punishing Seizure of Aircraft and Other Related Crime* was enacted.

ESCALATION OF INVOLVEMENT IN INTERNATIONAL TERRORISM BY JAPANESE RADICAL LEFTISTS

In the early 1970s, some Japanese radical leftists joined the Popular Front for the Liberation of Palestine (PFLP). On May 30, 1972, three Japanese armed with automatic rifles and hand grenades massacred 26 persons and injured 73 at Lod Airport in Israel on behalf of the PFLP. Throughout the rest of the 1970s, however, the primary modus operandi of Japanese terrorists was aircraft hijacking.

On July 20, 1973, five Japanese and four members of the PFLP hijacked a Japan Airlines aircraft in Dubai, United Arab Emirates. After negotiations for a ransom and the release of two Japanese Red Army members failed, the pilot was ordered to fly to Libya, where 150 hostages were released. The hijackers surrendered at the airport, but ultimately escaped from Libya with the tacit approval of the Gaddafi regime.

On September 28, 1977, five members of the Japanese Red Army hijacked another Japan Airlines aircraft and forced the pilot to land at Dhaka Airport in Bangladesh. They demanded a ransom of \$6,000,000 USD from the Japanese government, and the release of seven radical leftists and two murderers. Prime Minister Takeo Fukuda accepted the demand with the words, "A person's life is heavier than the weight of the earth". The incident ended with the safe release of all hostages after the demands were met, bringing approval domestically. However, Fukuda's willingness to negotiate with the terrorists provoked sharp criticism from other advanced nations.

In October, 1977, a Lufthansa aircraft was hijacked by four members of the PFLP. In this incident the German anti-terrorist unit Grenzschutzgruppe 9 (GSG9) succeeded in arresting all hijackers and rescuing all hostages, although the pilot, Jürgen Schumann, was killed by the terrorists after putting the plane down as instructed at Mogadishu, Somalia. Japanese authorities subsequently decided to establish a special anti-terrorist police team modeled on GSG-9.

ESCALATION OF DOMESTIC TERRORISM BY JAPANESE RADICAL LEFTISTS

One pivotal terrorist event predated the Lod Airport massacre: the occupation by radical leftists of Asama Mountain Villa, a holiday lodge near the centre of Japan's main island of Honshu. On February 19, 1972, five armed members of the United Red Army invaded the villa and took the manager's wife hostage. Police negotiators failed to persuade the terrorists to release her. The incident came to a head on February 28, when riot squad officers rushed into the villa while exchanging fire with the terrorists. The event was broadcast on live TV throughout Japan. In the end, the police succeeded in rescuing the hostage and arresting the terrorists, all of whom were unharmed. As a matter of principle, police in Japan do not shoot to kill even in cases of terrorism, however, the terrorists killed two police officers and one citizen, while 15 riot squad members and one journalist were injured.

Following this incident, radical leftists escalated their terrorist activities within Japan. One especially tragic case occurred on August 30, 1974. A radical group identifying itself as the East Asia Anti-Japan Armed Front (EAAJAF) conducted a bombing campaign whose targets included corporations in the munitions industry. Four members of EAAJAF set a time bomb in front of the headquarters of Mitsubishi Heavy Industries at 12:25 pm. Twenty minutes later the bomb exploded, killing 8 and injuring 376. This was the first indiscriminate terrorist act to inflict casualties in the business centre of a large Japanese city, and as a result many big companies began outsourcing their security arrangements. Demands by those bereaved by this bombing spurred the government to establish a compensation scheme for crime victims, marking the start of the advocacy movement for crime victims in Japan.

TERRORISM AGAINST THE 12TH G7 SUMMIT, TOKYO, 1986

With the 1980s came economic prosperity; extremist views held less appeal for Japanese youth. In addition, under pressure from police crackdowns and from violent infighting, radical leftists were reduced to a small, militarized, secret organization. Around 1985, these groups mounted a terrorist campaign aimed at disrupting two major events: a ceremony marking 60 years of rule by the Emperor of Japan, and the 12th G7 summit meeting, both to be held in Tokyo in the spring of 1986. Beforehand, leftists held protest meetings and carried out a number of demonstrations. As the two events approached, the number of guerrilla incidents by radical leftists increased. Serious incidents included firing a petrol bomb into the Hanzomon Gate of the Imperial Palace and firing bullets at the Akasaka Guest House where the summit visitors would be housed.

THE 19TH G7 SUMMIT IN 1993 AND JAPAN'S MOVE TO INSTITUTIONALIZE ANTI-TERRORISM

The 19th G7 summit saw demonstrations by radical leftists, and also by radical rightists protesting the visit of Russian Federation President, Boris Yeltsin, in order to demand of him the return of four Kuril Islands occupied by Russia. The police succeeded in guarding the summit participants.

In 1993, Japan's National Police Agency (NPA) invited anti-terrorism officials from developing countries to the first of a series of annual seminars on counter-terrorism. In 1995, the police began holding annual seminars on Investigation in International Terrorism Incidents to teach police officers in developing countries about the highly developed anti-terrorism measures Japan had put in place.

PREVENTIVE MEASURES AGAINST TERRORISTIC ACTIVITIES IN OKINAWA IN 2000

In July 1999, the NPA established the Committee for Security Measures for the Kyushu Okinawa Summit. As one measure to prevent terrorism, the 26th Summit was to be held in a building facing the sea — the Okinawa Resort and Convention Building. The comparative inaccessibility of the site made it easier to ensure security than had the previous summit's location in the centre of Tokyo. At the 26th Summit held on July 21-24, 2000, measures to counter the threat of international terrorism were among the major topics discussed.

Although protest incidents did occur during the 26th Summit and the two related meetings of ministers that were conducted along with it, none of them were violent. One hundred fifty radical leftists demonstrated near the Finance Ministers' Meeting in Fukuoka, and 13 at the Foreign Ministers' Meeting in Miyazaki. In Miyazaki, about 360 members from 70 rightists' groups carried out a demonstration in which an estimated 110 propaganda trucks with loud speakers were used to protest to the United States Secretary of State and the Russian Foreign Minister.

DOMESTIC TERRORISTIC ACTIVITIES BY AUM SHINRIKYO

Shoko Asahara is the founder and leader of the Aum Shinrikyo cult, which was registered as a religious organization in 1989. Asahara was successful in recruiting believers, some of whom carried out terrorist activities on his orders. The cult's campaign culminated in an attack on Tokyo subway commuters at around 8:00 a.m. on March 20, 1995. In a coordinated operation, five Aum Shinrikyo followers sprayed sarin nerve gas in separate subway trains, killing twelve and injuring thousands. The use of a chemical weapon in this indiscriminate attack garnered extensive attention in the international media.

This tragedy prompted changes. In June 1995, prefectural police were authorized to investigate wide-area organized crimes outside their jurisdictions. In April 1996, Special Assault Teams (SAT) were formally authorized; their main purpose was to handle hostage-taking incidents. In 2000, the police founded special squads (NBC Squads) in Tokyo and Osaka to cope with terrorism involving nuclear, biological or chemical weapons; in the same year the national government established a task force on terrorism involving such weapons.

MEASURES AGAINST TERRORISM AFTER 9/11

The attacks against targets in the United States on September 11, 2001, helped create a climate in which increasing attention has been given to the safety and security of Japanese citizens. On October 8, 2001, the government established the Headquarters to Cope Urgently with Terrorism. On November 2, 2001, the *Anti-Terrorism Special Measures Law* was enacted, which allowed ships and aircraft of the Self-Defense Forces to be dispatched to certain areas outside Japan. In June, 2003, the Armed Attack Situations Response Law was enacted, although at that time there was no urgent situation to drive the legislation forward.

On March 31, 2004, the Police Law was revised, allowing the NPA to direct prefectural police forces for incidents involving a bomb or a nuclear, biological or chemical weapon. To deal with cases in which a Japanese person is involved in terrorism abroad, the NPA was empowered to dispatch a special team of the Counter International Terrorism Division duly authorized to cooperate with security organizations in other countries.

In December 2004, the Japanese police, in cooperation with organizations such as the Ministry of Land, Infrastructure, Transport and Tourism, and airline companies, implemented the Sky Marshal System to prevent aircraft hijackings. Cooperation between the police and the Self-Defense Forces was strengthened from October 2005 to March 2009 with joint training in 44 prefectures to cope with terrorism (White Paper on Police in 2009: 167).

PREVENTIVE MEASURES AGAINST TERRORISM DEPLOYED WELL IN ADVANCE OF THE 34TH G8 SUMMIT AT TOYAKO IN HOKKAIDO, JAPAN, IN 2008

In December 2004, an action plan for the prevention of terrorism at the 34th G8 summit was published. The 16 recommendations comprised six areas: 1) not to allow a terrorist to enter Japan; 2) not to allow a terrorist to act freely within Japan; 3) to control substances that may be used for terrorism; 4) to prevent circulation of money for terrorism; 5) to ensure safety at important facilities; and, 6) to collect information about terrorists.

The summit was held in Toyako at a resort on the top of Mount Poromoi from July 7-9, 2008. Hoping to suppress terrorist activity, over the course of the previous year the police had infiltrated radical leftist groups and arrested 96 of the leaders. In the end, although both leftist and rightist protests took place, no serious incidents occurred. Foreign and Japanese groups participating in the movement against globalization demonstrated in Sapporo, in Hokkaido, on July 5, 2008. The demonstration of about 5,000 people was orderly and no arrests were made.

To cope with possible cyber terrorism attacks, specialist police officers were assigned to monitor internet connections used during the Toyako summit and ministers' meetings. No serious incidents occurred.

CURRENT TERRORISM SITUATION IN JAPAN

Currently, there is a greater chance of a Japanese person being attacked by terrorists in foreign countries than at home, as evidenced by Haruna Yukawa and Kenji Goto who, after entering Syria in October of 2014, were taken captive by Islamic State of Iraq and the Levant (ISIL). Ransom was demanded, but the Japanese government refused payment and the hostages were executed in January, 2015.

Japan has tended to have lower crime and terrorism rates than most of the Western world. This may be due to changing roles for youth in a predominantly older population, with greater conformity and less societal dissatisfaction among the younger generation than in times past. This trend could be reversed by the unfavorable economic developments that may result from Japanese current labor shortages, and a consequent increase in youth frustration, bringing with it the possibility that strongly disaffected youth might turn to organizations such as ISIL.

Although Japan has been more successful than many nations in suppressing terrorism, well-publicized terrorist incidents in recent years, including the attacks in Paris and Brussels, and the recent suicide bombing in Al-Hasakah, Syria, have heightened public anxieties. Like other societies, Japan has had to face the mounting costs and social adjustments needed to combat terrorism in the 21st century.●●

**RÉSUMÉ : A SURVEY OF RECENT JAPANESE TERRORISM
AND GOVERNMENT COUNTERMEASURES**

PAR MINORU YOKOYAMA, professeur émérite, Kokugakuin University, Tokyo, Japon
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Au cours des années 1970, des gauchistes japonais se sont adonnés activement à des activités terroristes, constituant une menace pour les gens partout dans le monde. Leurs activités ont toutefois diminué au cours de la période de prospérité économique des années 1980. Bien qu'un nombre croissant d'étrangers ait commencé à entrer au Japon pour se livrer à des activités commerciales après 1980, ce pays a été la proie d'un nombre relativement faible d'attaques terroristes depuis lors. Le Japon n'est toutefois pas à l'abri du problème et de récents événements terroristes, conjugués aux préoccupations locales en matière d'instabilité économique, ont soulevé de nouvelles inquiétudes. Cet article présente un aperçu de certains des principaux événements ayant contribué à façonner la réaction du Japon au risque d'attaques et de menaces terroristes et met en lumière les mesures adoptées pour assurer la sécurité publique.

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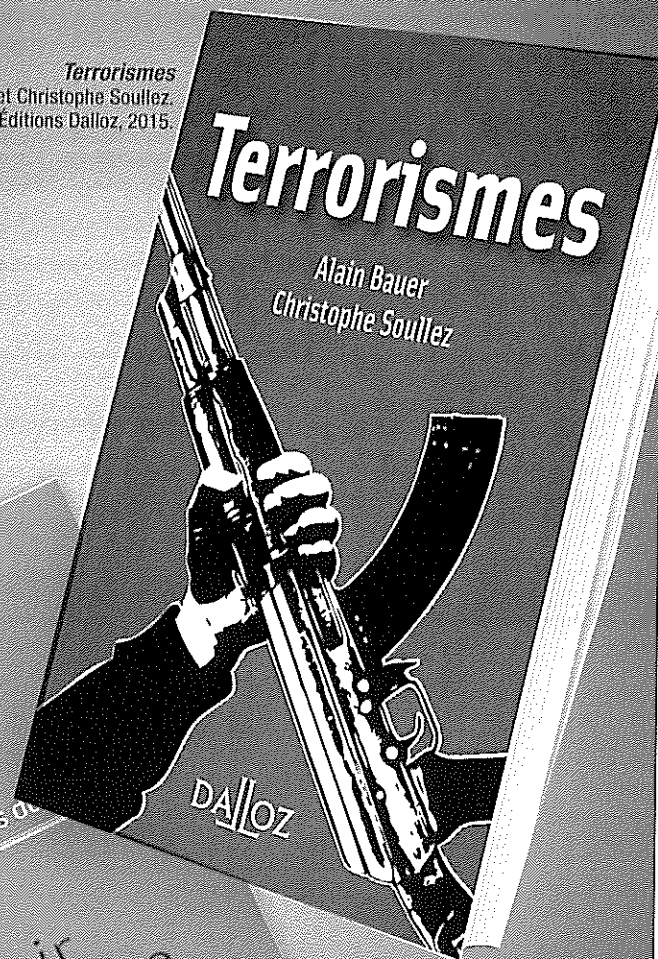
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Terrorismes
Alain Bauer et Christophe Souleuz
Paris: Les Éditions Dalloz, 2015.

L'avenir du terrorisme
Alain Bauer.
Paris: L'Institut Diderot, 2016.



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DEUX LIVRES FABULEUX SUR LE TERRORISME, OU, DEVRAIT-ON DIRE, SUR "LES" TERRORISMES

RECENSION FAITE PAR ANDRÉ NORMANDEAU, Ph.D.

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Le titre du premier livre, "Terrorismes", indique qu'il s'agit vraiment d'une pluralité de terrorismes, d'où le pluriel. Un titre vraiment pertinent car, de fait, les actes terroristes sont très diversifiés, de par le monde. Les définitions légales des codes pénaux de la plupart des 196 pays représentés aux Nations-Unies (ONU) le sont donc, en conséquence. Les auteurs de ce livre sont des criminologues franco-français. Alain Bauer est professeur de criminologie au Conservatoire national des arts et métiers à Paris, à New York et à Pékin. Christophe Souleuz est le directeur de l'Observatoire national de la délinquance et des réponses pénales à l'Institut d'études politiques de Paris. Au-delà de ce livre en commun, Alain Bauer a publié en 2016 un "petit" livre sur le sujet: "L'avenir du terrorisme" (Paris, Institut Diderot). Nous y reviendrons en conclusion.

Comme les auteurs de "Terrorismes" le mentionnent à plusieurs reprises, depuis toujours, l'action violente est apparue soit comme du terrorisme, soit comme un acte de résistance, parfois désespéré. En fait, la qualification évolue en fonction des intérêts ou du mode de communication des adversaires. Malgré de nombreux efforts, aucune définition internationale commune n'a pu être trouvée, et la plupart des organisations ayant pratiqué l'action violente ont été dénoncées comme terroristes à un moment ou à un autre de leur histoire. Avant de se transformer en "ennemis-combattants", adversaires et parfois futures alliés. Le terrorisme a beaucoup évolué. Singulier, il est devenu pluriel. Ses cibles se sont diversifiées. Organisées et structurées, reposant sur le soutien d'une grande puissance, les organisations terroristes traditionnelles se sont atomisées et ont essaimé après la chute du mur de Berlin en 1989. Le terrorisme d'État a quasiment disparu. Il a été remplacé par les actions de nébuleuses qui ont marqué l'avènement de "l'hyper-terrorisme" médiatique à la mode de ce qu'on a cru devoir appeler Al Qaeda. Avant de se voir supplanter par d'autres groupes, des acteurs hybrides

ou des "lumpenterroristes". D'autres actions, politiquement marquées, racistes, xénophobes, ont pris le dessus, rendant les opérations antérieures presque obsolettes. Les départs massifs de jeunes individus vers des pays pratiquant le Djihad, la perpétration d'attentats par des nationaux (et non par des individus venant de l'étranger), l'émergence d'actions isolées, l'endoctrinement par les réseaux sociaux, ont conduit les autorités à devoir adapter les dispositifs. Les pays ont ainsi expérimenté les nouvelles mutations du terrorisme. En France, par exemple, les auteurs soulignent que depuis 1986, date de la première loi contre le terrorisme, une quinzaine d'autres textes législatifs ont été adoptés et les incriminations se sont multipliées. La procédure pénale a également évolué afin de donner aux services d'expertise de la police des moyens d'investigation adaptés et de nouveaux cadres légaux. Les dernières lois sur le sujet confirment la tendance vers la spécialisation d'un droit du terrorisme dérogoratoire au droit commun, à mi-chemin entre prévention et répression.

La notion de terrorisme fait souvent l'objet de controverses et de polémiques car elle est empreinte d'une forte subjectivité et parce qu'il s'agit d'un phénomène complexe, mouvant et multiforme. Tous les États n'adoptent pas la même définition du terrorisme: certaines définitions portent sur les formes qu'il revêt, d'autres sur ses effets ou sur la finalité politique, religieuse ou idéologique. Ainsi les Nations Unies (ONU) ne sont pas encore parvenues à faire adopter à l'ensemble de la communauté internationale une définition acceptable par tous. Toutefois, cette absence de définition juridique universelle n'empêche pas les outils juridiques d'exister. À partir de ce constat, Bauer et Souleuz se lancent alors à une exploration des définitions existantes, du Traité de Genève en 1937 aux multiples définitions des documents des Nations Unies (ONU) jusqu'à nos jours. Puis, par une sorte de "compendium" sur le sujet, les auteurs abordent: A- les règles procédurales, tel le traitement judiciaire spécifique; B - la prévention administrative, tel le gel des avoirs criminels; C - la coo-

pération internationale et européenne, tel Interpol. Le lecteur trouvera ainsi en peu de pages l'essentiel des législations pénales en matière de terrorisme.

La conclusion d'Alain Bauer dans son autre livre, un "tout petit livre" celui-là mais fort bien écrit et pensé, celui sur "L'avenir du terrorisme" (2016), mentionné plus haut, mérite notre attention, même si elle déclenchera sûrement un débat parmi les criminologues car ses propos sont un peu incendiaires. À dessein ! Au lecteur de juger ! Alain Bauer d'écire en pages 10 puis 42 et 43 de ce livre:

"Nous autres, criminologues, ne sommes ni politiciens, ni magistrats: notre rôle n'est pas d'arrêter ou de juger les criminels. Aussi horribles soient-ils, nous devons poser sur eux un regard clinique. Notre rôle n'est ni de prendre position, ni d'accuser ou de défendre, mais de comprendre comment les criminels et leurs activités fonctionnent et comment elles évoluent. Nous jouons un peu le rôle de médecin du crime. D'abord, nous établissons un diagnostic: avoir une idée de la nature du mal. Ensuite, nous formulons un pronostic: savoir si on peut s'en sortir. Enfin, nous engageons un débat thérapeutique: il s'agit de déterminer si l'on choisit l'option homéopathique (une petite camomille), l'option chimique (un cachet) ou l'option chirurgicale (le passage au bloc opératoire). Dans un système médical normal, on suit généralement ces trois étapes et il devrait en être de même en criminologie. Mais nous nous heurtons à un léger problème technique: l'activité criminologique nécessite un outil clinique pour formuler le diagnostic. Or, nous n'avons souvent que des thérapeutes: des personnes qui ont toutes une idée extrêmement précise de la manière de nous guérir, mais n'ont aucune idée de la nature du mal. Un bon diagnostic reste pourtant un préalable essentiel si l'on veut adopter la bonne thérapie. Il faut connaître au mieux la nature du mal pour pouvoir y répondre de manière adéquate" (p. 10). Et Alain Bauer de tracer ce "bon diagnostic criminologique" avec brio dans les pages suivantes de ce livre. Sa conclusion est claire et nette: "La question

est celle-ci: non pas tout protéger tout le temps, mais cibler les terroristes, les hiérarchiser et, dans un certain nombre de cas, les éliminer. Il n'y a aucun problème sur ce point pour moi: ce sont des ennemis, puisqu'ils appartiennent à un État et que nous sommes en guerre. Les lois de la guerre s'appliquent. Le moment est venu d'aller jusqu'au bout de cette logique. Le moment est venu d'assumer la guerre que nous sommes en train de vivre. Et... d'essayer de la gagner" (p. 42-43).

Voilà ! Certaines lectures de livres et d'articles criminologiques sur le terrorisme ne suscitent aucun débat public, ce qui est fort dommage car le sujet est si important depuis quelques années. Le mérite d'Alain Bauer (en commun ou en solo) et de Christophe Souleuz est de soulever ce débat public par des considérations de grande qualité intellectuelle. ••

CANADIENS ENGAGÉS DANS DES ACTIVITÉS VIOLENTES COMPOSANTE ISLAMISTE

NOTES DE RECHERCHE

PAR STÉPHANE LEMAN-LANGLOIS, Université Laval,
DAVID MORIN, Université de Sherbrooke
et STÉPHANE BERTHOMET, École nationale d'administration publique

INTRODUCTION

Parmi ses projets de recherche sur différentes formes de radicalisation, l'Observatoire sur la radicalisation et l'extrémisme violent a entrepris, en 2015, de réaliser un inventaire le plus complet possible des informations biographiques d'une centaine de Canadiens qui se sont engagés dans des actes de violence politique au nom de l'Islam ou qui sont partis ou ont tenté de partir pour s'engager dans des conflits armés à l'étranger depuis 2006. Cet inventaire contient également les paroles des principaux intéressés, entre autres leur manière d'exprimer la logique de leur décision, de justifier leurs actes ou d'analyser la situation culturelle, politique ou religieuse du Canada, de l'Occident, et de la planète. Les informations ont été recueillies dans les médias, dans les publications des sujets eux-mêmes (entre autres à l'aide de services de réseautage social et de vidéos sur YouTube) ainsi que dans les transcriptions de diverses comparutions. Ce travail est en cours et plusieurs cas sont extrêmement difficiles à documenter; néanmoins, certaines observations semblent s'imposer à mesure que notre échantillon se complète.

Notre travail se situe dans la littérature sur la radicalisation, qui dans l'ensemble s'est polarisée autour de deux approches principales. La première consiste à élaborer des profils d'individus à risque parce qu'exposés à des facteurs criminogènes psychologiques ou sociologiques ou à une combinaison des deux (Veldhuis et Staun, 2009). Ceci est également typique de la criminologie

multifactorielle classique, avec une différence notable: le crime politique a ceci de particulier qu'il est un acte essentiellement altruiste, allocentrique (Pape, 2005). Contrairement à ce qui est généralement accepté dans la littérature criminologique, ici l'allocentrisme n'est pas un facteur de protection mais bien un élément central du rationnel exprimé par la plupart des extrémistes violents (tout en notant qu'il s'agit d'une population extrêmement hétérogène, comme le démontrera la suite).

La seconde approche est celle des «trajectoires de radicalisation», qui est apparentée à la criminologie développementale. Il faut la distinguer des nombreux modèles de radicalisation qui la présentent comme un processus et qui adhèrent généralement au moule «introduction idéologique - intégration de l'idéologie - adhésion à la violence», avec de multiples variations. Dans tous ces cas, à moins d'affirmer que chaque étape du processus est tout bonnement la cause de la prochaine (ce qui ne cadre pas avec la réalité, puisque même dans la littérature défendant cette approche une proportion sensible de la population étudiée se désiste à chaque étape), il ne s'agit que d'un simple constat des résultats et non d'un modèle qui nous permet de comprendre ce qui ce passe.

Notre approche s'inscrit tout de même dans cette seconde catégorie, mais en ajustant le tir afin d'identifier des trajectoires ou des éléments de trajectoire qui puissent nous aider à comprendre pourquoi certains individus s'engagent dans la violence. Nous avons également choisi de laisser une place importante aux discours et aux arguments exprimés par les principaux intéressés, en évitant les ornières de la pathologisation

du comportement violent. C'est à travers la biographie des sujets que nous cherchons à identifier les facteurs qui favorisent (ou qui empêchent) le passage à la violence.

LA POPULATION À L'ÉTUDE

Sur 72 cas pour lesquels les informations sont relativement complètes nous avons 28 personnes provenant de l'Ontario, 28 du Québec, 8 en Alberta, 3 en Colombie-Britannique et les autres de différente. Donc en ramenant ces chiffres sur la population des provinces le Québec est sensiblement surreprésenté par rapport à l'Ontario et l'Alberta (1/286k ha contre 1/464k ha et 1/475k ha — la Colombie-Britannique étant sous-représentée avec 1/1500k ha). Ceci ne signifie toutefois aucunement qu'une province tend à produire davantage ou moins de djihadistes; en fait, comme le chiffre noir est extrêmement élevé (nous estimons que notre échantillon représente environ 1/5 du nombre total), il est possible qu'une combinaison d'attention policière et médiatique plus élevée produise un échantillon plus élevé. Par exemple, 22% des sujets québécois ont été arrêtés avant même de partir à l'étranger pour se joindre à un conflit armé, contre 3% en Ontario. Il ne faut pas oublier que les chiffres sont également brusquement portés dans un sens ou dans un autre parce que ceux qui partent à l'étranger le font généralement dans des groupes assez importants, qui ont un poids démesuré dans notre échantillon. En d'autres termes, la part de contingence est considérable et il serait imprudent de se laisser aller à des conclusions hâtives à partir de la distribution de l'échantillon actuel.

Pour ce qui est de l'âge des individus, deux constats sautent immédiatement aux yeux;

premièrement, comme ailleurs dans la littérature, les individus engagés dans la violence sont extrêmement jeunes, notre plus jeune sujet ayant 15 ans au moment de son arrestation (âge moyen 23 ans, âge médian 22 ans). Deuxièmement, la moyenne d'âge des sujets est en baisse sensible depuis 2006, passant, en 10 ans, de 26 à 19 ans. Toutefois, avant de parler de tendance nous estimons qu'il faudra prendre davantage de recul. Encore ici, le fait que chiffres soient relativement peu élevés, combiné au fait que la plupart de nos sujets se mobilisent en groupes ou grappes géographiquement et socialement localisés, peut facilement fausser les calculs de tendance. Par exemple, les deux grappes importantes issues du réseau gravitant autour du Collège Maisonneuve, à Montréal, en 2015, a un impact démesuré sur les chiffres recueillis. Notons, à cet égard, que les départs ou tentatives de départ en grappes sont plus nombreux au cours des dernières années, par comparaison aux départs surtout individuels qui prédominaient jusque-là. Par ailleurs, notre échantillon comprend un nombre non négligeable de jeunes femmes, soit 17 %, ce qui est relativement élevé si on compare à la littérature en général mais plutôt conforme aux chiffres officiels concernant le recrutement de femmes et de jeunes filles dans les rangs de l'État islamique.

Enfin, dernière donnée socio-démographique importante, nos sujets sont somme toute relativement bien éduqués, la majorité ayant fréquenté des établissements d'études postsecondaires ou universitaires. Nous travaillons encore pour réduire le nombre de valeurs manquantes mais pour le moment 75% de ceux dont le niveau de scolarité était connu avaient fréquenté une institution postsecondaire. En fait, la plupart d'entre eux se sont engagés dans la violence au moment où ils fréquentaient une telle institution, ce qui nous offre plusieurs pistes intéressantes d'intervention, et surtout un éventail plus restreint de sites où les mettre en œuvre.

ENGAGEMENT DANS LA VIOLENCE

Un premier constat temporel est que le nombre d'engagements vers la violence enregistrés est en augmentation sensible. Cependant, si l'on tient compte de la distinction importante entre ceux qui s'engagent à participer à un conflit à l'étranger et ceux qui préparent ou commettent un attentat au Canada, les chiffres sont plus nuancés. Tout en rappelant les réserves énoncées précédemment quant aux tendances, on constate que le nombre d'individus impliqués dans des attentats terroristes au Canada est en légère diminution (mais reste entre zéro et 5 par année), alors que celui de ceux qui sont partis ou ont tenté de partir à l'étranger (surtout la Syrie, l'Irak et la Somalie) est en hausse assez marquée, passant de presque zéro en 2006 à plus de 25 en 2015.

Des différences entre les provinces apparaissent ici également. Entre autres, si pour le Québec, 56% furent arrêtés au moment de partir à l'étranger, et 36% sont effectivement partis, en Ontario les proportions sont plutôt de 8% et 50%, laissant 42% d'engagement dans des attaques terroristes intérieures alors que cette proportion n'est que de 8% au Québec. Nous croyons y déceler un effet typique de vigilance policière et institutionnelle différentielle entre les provinces. Mais deux autres facteurs doivent aussi être pris en compte. Premièrement, les moyennes d'âge sont différentes, soit 25 ans en Ontario et 21 ans au Québec. Nous allons raffiner le modèle lorsque les données seront plus complètes mais il semble y avoir une relation significative entre l'âge et le type d'engagement, les jeunes étant clairement plus attirés vers les combats lointains alors que les plus de 25 ans tendent à essayer de commettre des actes au pays, dans leur ville, voire dans leur quartier. Deuxièmement, le Québec connaît le plus fort taux de chômage des jeunes issus de l'immigration de toutes les provinces canadiennes et le double de celui des Québécois nés au Canada (Statistique Canada, 2012). Le chômage étant un indicateur classique de mauvaise intégration, il est possible que le Québec soit en voie de créer une population disponible à un éventail de formes de déviances, dont l'extrémisme

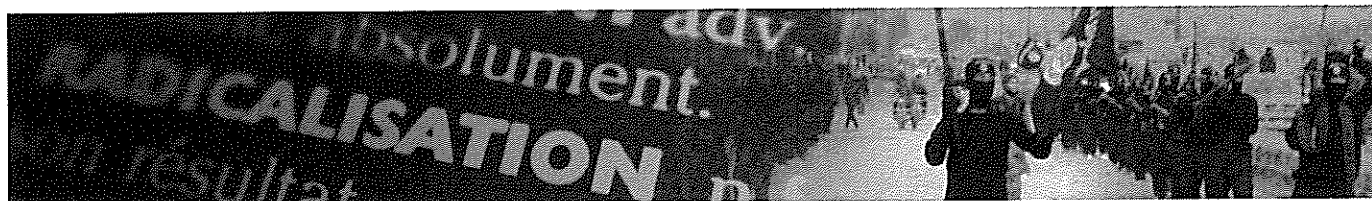
violent sera sans doute la moins importante mais la plus spectaculaire.

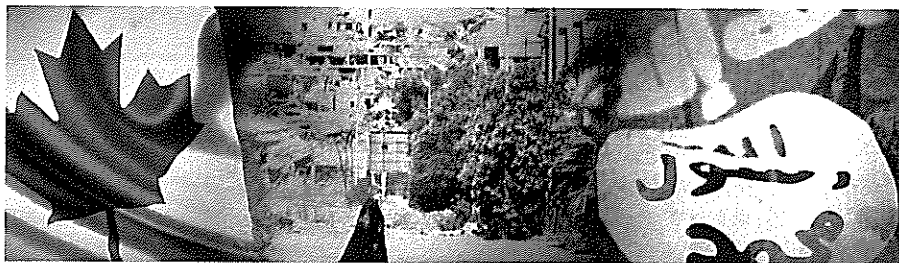
Tout en tenant compte du fait que l'âge a un effet important sur l'éducation et que les jeunes sont donc de facto moins éduqués, pour des raisons strictement chronologiques, nos données montrent aussi que ceux qui s'engagent à l'étranger tendent à avoir un niveau d'éducation plus élevé que ceux qui s'attaquent au Canada. Seule une proportion minime de ceux qui ont envisagé ou réussi un départ à l'étranger n'ont su dépasser le niveau secondaire. Ceci est consistant avec des recherches menées à l'étranger (par exemple, Cavatorta, à paraître).

TRAJECTOIRES ET ÉVÉNEMENTS

Nous travaillons activement à recréer les biographies les plus complètes possibles pour les sujets identifiés dans notre base de données mais certaines remarques sont déjà incontournables. Premièrement, bien que ce soit désormais un lieu commun, il convient de souligner qu'il n'existe pas de profil un tant soit peu détaillé qui puisse représenter l'ensemble des individus recensés. Cela dit, notre échantillon semble révéler certaines trajectoires reconnaissables à un nombre limité d'événements déclencheurs et de facteurs sociaux particuliers. Il nous reste à affiner le modèle pour le rendre plus robuste et surtout pour éviter l'effet classique de sur-prédiction qui handicape la plupart des recherches sur la « radicalisation » (Bartlett, Birdwell et King, 2010; Dawson, 2014). Une des stratégies que nous adopterons bientôt est de former une série de groupes contrôle.

Pour le moment, nous décelons trois facteurs-clés qui surviennent séparément ou en combinaison, dans des ordres chronologiques variés, dans la majorité de notre échantillon. Le premier est macroscopique, il s'agit des événements internationaux qui servent de déclencheurs, de justification ou de technique de neutralisation classique en criminologie. Dans notre échantillon, nous retrouvons la participation du Canada à la guerre en Afghanistan, les discussions sur la « charte des valeurs » au Québec et l'envoi de CF-18 en Irak, qui ont accompagné un certain nom-





bre de nos sujets vers la violence. Il existe bien sûr une différence non négligeable entre le fait qu'un sujet mentionne un événement comme justification avant ou après les faits de sa participation à des activités illicites, et notre capacité d'observer objectivement la présence d'un lien causal. L'impact réel de la disponibilité d'un événement particulier auquel arrimer un grief ou justifier une action, plutôt que la simple accusation générale que l'Ouest maltraite le monde musulman par exemple, est pour le moment impossible à mesurer.

Le second facteur est mésoscopique et concerne la nature, le fonctionnement et le positionnement des personnes dans leurs réseaux sociaux. Notre échantillon démontre aisément que, sauf exception, ceux qui s'engagent dans la violence politique le font au sein de groupes sociaux immédiats (famille, amis, et rarement via les médias socionumériques, ce qui n'exonèrent pas du reste le rôle potentiel de ces derniers comme vecteurs de radicalisation). Ces groupes tendent à être plus larges pour les combattants étrangers que pour les terroristes, mais dans les deux cas, ils servent d'espaces où chacun se galvanise au contact des autres (phénomène aussi observé de l'intérieur, comme dans Shaikh, 2014).

La troisième étape-clé est la crise personnelle, qui peut prendre différentes formes mais qui produit un impact extrême sur la personne. La mort d'un proche, la faillite personnelle, la remise en question durant une carrière criminelle sont des événements qui reviennent dans une majorité de dossiers.

Nous continuons de collecter et analyser le discours des sujets recensés mais il semble déjà que le rôle de la religion soit essentiellement de procurer un cadre de référence identitaire aux sujets. Le langage religieux remplit aussi un rôle d'organisation du discours et d'articulation conceptuelle. Par exemple, les sujets expliquent leur participation à un conflit étranger par la reconnaissance qu'une partie à ce conflit leur ressemble, souffre, et requiert assistance.

Le fait que les autres parties du conflit soient souvent aussi musulmanes est rejeté à l'aide d'une catégorisation de la «valeur» des victimes. La religion sert également à connecter des faits historiques et à les interpréter d'une manière qui motive l'engagement. Dans tous les cas, cependant, les assises principales du discours sont sauf exception géopolitiques, humanitaires et stratégiques: l'oppression de régimes dictatoriaux, la corruption et l'hypocrisie des gouvernements occidentaux, les bombardements, etc. Sans ces éléments, le contenu serait réduit à peu de choses, sauf dans les rares cas où le sujet affirme avoir voulu rejoindre le califat exclusivement pour vivre en «vrai» musulman, par exemple.

CONCLUSION

Sans surprise, notre échantillon ne permet pas d'identifier un profil unique du terroriste ou du «djihadiste» international. Tout comme il n'y a pas de profil du «meurtrier» ou du «voleur à l'étalage». En revanche, ce constat ne permet pas, comme le fait Sageman (2003) par exemple, de conclure que rien ne lie les extrémistes entre eux: en aplanissant quelques différences microscopiques, nous voyons tout de même poindre certains points communs, certaines caractéristiques qui sont propres à certains types de parcours. Nous commençons à entrevoir les facteurs dont la rencontre semble faciliter l'écho de l'appel à la violence.

La plupart de ces facteurs sont dynamiques et contingents et ne permettront pas d'entrevoir des profils «djihadistes» mais bien des parcours et des contextes particuliers qui mènent à l'engagement vers une forme ou une autre de violence politique. Ce sont d'ailleurs des accidents de parcours dont la forme se retrouve aussi chez des jeunes engagés dans des groupes violents d'extrême droite et chez les felquistes québécois des années 1960.♦♦

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RÉSUMÉ : CANADIENS ENGAGÉS DANS DES ACTIVITÉS VIOLENTES À COMPOSANTE ISLAMISTE - Notes de recherche

BY STÉPHANE LEMAN-LANGLOIS
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(École nationale d'administration publique)

We focused on the course followed, the motivation, the underlying rationale and the networks of young Canadians involved in political acts of violence in the name of Islam, especially in relation to the Iraqi and Syrian conflicts. We noted the absence of determining demographic, social, cultural or economic factors common to the population as a whole or to subgroups. However, we noted the very frequent influence of contingent events, such as crises, international current events and peer activities.

PLEASE SEND ANY REMARKS, OR A COMMENTARY, REGARDING THIS ARTICLE

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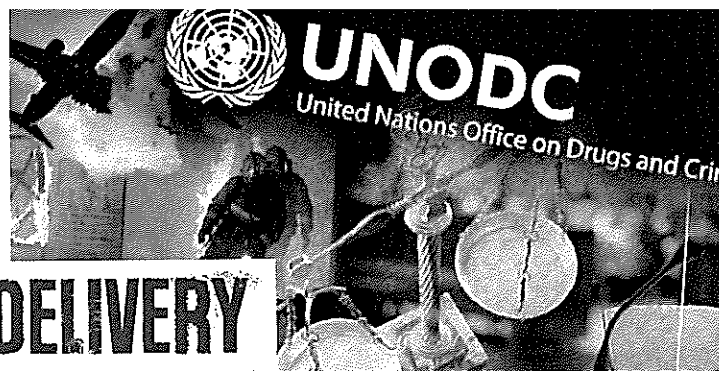
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THE UNODC TERRORISM PREVENTION BRANCH: TECHNICAL ASSISTANCE DELIVERY



BY ARTURO LAURENT¹

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- SUMMARY -

This article discusses the reach of UNODC Terrorism Protection Branch (TPB) assistance to Member States for the ratification, legislative incorporation and implementation of the international legal instruments against terrorism. The authors point out that the framework is comprised of 19 international Conventions and Protocols² mandating criminalization of terrorism-related offences under domestic laws and engagement in international cooperation. Zuckerberg and Laurent emphasize the lack of a universally accepted definition of terrorism and the fact that the instruments must be adapted to respond to specific manifestations of terrorism. In addition, the authors note that the diversity of legal systems makes the forms taken by the instruments dependent on domestic legislation, that there is no applicable penalty range, and that international conventions and Security Council resolutions do not define jurisdiction within the State. The authors posit the role of TPB technical assistance as one of ensuring effective implementation that prioritizes the rule of law and respect for human rights and requires the establishment of mechanisms for international cooperation. The article also discusses resolutions passed by the UN General Assembly, which they say also from an important part of the international framework, continue to shape the universal legal framework against terrorism, and compensate in some measure for the fact that not all the States are parties to the international instruments.



The United Nations Office on Drugs and Crime (UNODC) plays an important role in strengthening the national legal framework of Member States dealing with the prevention and countering of terrorism-related offences.

UNODC's Terrorism Prevention Branch (TPB) has been mandated since 2002 to lead the counter-terrorism technical assistance delivery within the UN framework. The work of the Branch focuses on capacity building through training activities with criminal justice officials involved in the investigation, prosecution and adjudication of terrorism cases to strengthen their capacity to implement counter-terrorism legislation. TPB also promotes the ratification of the existing universal instruments against terrorism, and providing assistance for the incorporation of their provisions into domestic legislation to strengthen regional and international cooperation in criminal matters. All assistance activities evolve around the promotion of the rule of law and respect for international human rights standards.

A series of the UN's General Assembly and Security Council (SC) resolutions have strengthened TPB's mandate over the years. Currently, due to numerous requests by Member States for specialized capacity-building assistance, the Branch facilitates the development

of counter-terrorism expertise on various thematic areas, including countering the use of the Internet for terrorist purposes; terrorism financing; support and assistance to victims of acts of terrorism; tackling biological, chemical, nuclear, and radiological terrorism; and promoting and protecting human rights and fundamental freedoms while countering terrorism. Additionally, TPB has prioritized the development and deliverance of technical assistance programs to address the increasing phenomenon of foreign terrorist fighters (FTFs). TPB also conducts activities through online courses and train-the-trainer events.

THE UNIVERSAL LEGAL FRAMEWORK AGAINST TERRORISM

TPB's legal assistance to Member States is built on a universal legal framework against terrorism. The framework is comprised of 19 international Conventions and Protocols (referred to as the 19 international instruments),³ and a series of UNESCO resolutions. These instruments contain legally binding standards and requirements for States with regards to their counter-terrorism efforts. The technical assistance provided by TPB ensures that Member States advance from ratification of the instruments towards the effective implementation into their criminal justice systems of the provisions contained therein. The international framework also includes resolutions passed by the UN's General Assembly. Even in the absence of a legally binding⁴ character, these resolutions do have an authoritative element.

INTERNATIONAL COUNTER-TERRORISM INSTRUMENTS

The 19 international counter-terrorism instruments cover offences related to civil aviation and maritime terrorism, nuclear terrorism, terrorist bombings, hostage-taking, crimes against internationally protected persons and the financing of terrorism.

Treaties and protocols oblige only Member States that have ratified or acceded to them, but they are open to all Member States, having been developed under the auspices of the UN Security Council resolutions call on Member States to ratify and implement these treaties and protocols.

Because of their very specific approach to terrorism, the international instruments deal with different terrorism-related conducts, each adopted in response to a specific manifestation of terrorism. It is important to mention that there is no universally accepted definition of terrorism.

One group of instruments deals with issues related to civil aviation. These are the earliest terrorism-related treaties and were developed by the International Civil Aviation Organization (ICAO) in response to aircraft hijackings in 1963, 1970, and 1971. The 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft was the first of its kind and requires States to establish jurisdiction for offences committed on board aircraft registered in that State. Some instruments related to aviation were recently added in 2010: the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (Beijing Convention) and the 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft (Beijing Protocol). The Beijing Convention specifically criminalizes using civil aircraft for the purpose of causing death or serious bodily harm.

Another set of instruments relates to the status of the victims. The International Convention against the Taking of Hostages requires the criminalization of any seizure or detention and threat to kill another person in order to compel a third party to behave in a required way. Likewise, the 1973 Protection of Diplomats Convention requires to make punishable a threat to commit a murder, kidnapping or other attack upon an internationally protected person (e.g., Head of State, State representatives/officials).

A series of instruments are dedicated to terrorist bombings, financing of terrorism and nuclear terrorism. The 1997 International Convention for the Suppression of Terrorist Bombings requires States to criminalize not just terrorist bombings but also the creation and use of any weapons of mass destruction with the intent to cause death. With respect to terrorist financing, the 1999 International Convention for the Suppression of the Financing of Terrorism is a preventative measure, as it seeks to criminalize the preparatory actions taken prior to other acts. It criminalizes non-violent logistical preparations and support and emphasizes that the prohibited conduct need not result in a violent act. A number of treaties also require States to criminalize possession and use of radioactive material or a nuclear explosive or radiation dispersal device. The remainder of legal instruments are concerned with maritime navigation and fixed platforms, as well as the physical protection of nuclear material.

In general, the international instruments create an obligation on State parties to criminalize the terrorism-related offences under domestic

laws and to engage in international cooperation. Although the instruments do not provide a definition of "terrorism"; the prerogative of defining a "terrorist act" resides with each individual States. Due to the fact that international counter-terrorism instruments deal with a variety of legal systems, these provisions do not translate easily into domestic legislation and often take different forms depending on the context in each geographical region. Furthermore, none of the universal instruments establish an applicable penalty range, stipulating only that the severity of penalties should take into account the grave nature of the act. Likewise, international conventions and SC resolutions do not define how jurisdiction is to be allocated within the State, whether prosecution of terrorism-related offences should be centralized in one unit or spread within different domestic agencies.

Therefore, Member States have some discretion when determining how certain provisions will operate domestically. This flexibility is important, but it also bears the risk of insufficient or incorrect adoption. TPB acts as a link between the obligations imposed by international law and the domestic criminal justice efforts to implement the provisions correctly. Additionally, in providing technical assistance, TPB also makes the domestic implementation in accordance with the rule of law and respect for human rights a priority. In addition, these instruments require States to put into place mechanisms for international cooperation, including but not limited to, extradition and mutual legal assistance proceedings.

COUNTER-TERRORISM SECURITY COUNCIL RESOLUTIONS

Security Council resolutions which are adopted under Chapter VII of the Charter of the UNs in situations involving a threat to peace, breach of peace or act of aggression, are binding on all Member States. The SC resolutions have in some ways compensated for the fact that not all States are parties to the international instruments.

Security Council resolution 1267 (1999) created the sanctions regime against Al-Qaida and the Taliban. Subsequently, various other resolutions modified the sanctions regime, with the result of splitting the combined Al-Qaida/Taliban sanctions system and also adding affiliates of Al-Qaida to the Sanctions List, as the situation in Syria evolved. In the aftermath of this expansion, the recent Security Council resolution 2253 (2015) included ISIL/Da'esh and Al-Nusra Front (ANF) on the Al-Qaida Sanctions List. Pursuant to chapter VII of the Charter of the United Nations, the sanction regime requires Member States to implement three types of measures: 1) a freezing of all assets belonging to these individuals and entities (with only certain exceptions); 2) an arms embargo, whereby no arms and ammunition shall be supplied, sold, or transferred to listed persons and entities; and, finally, 3) a travel ban.

Based on a series of SC resolutions and the international instruments referred to above, individuals and entities other than ISIL/Da'esh, Al-Qaida and its affiliates, and the Taliban, are still subject to a criminal justice approach, which requires States to fully employ their criminal justice systems and operational capacities against terrorism and provide for effective prevention mechanisms. The most prominent of these resolutions is 1373 (2001). This resolution was adopted in the aftermath of the September 11, 2001 attacks in the USA. In addition to addressing terrorism as a general phenomenon, resolution 1373 imposed extensive counter-terrorism obligations on Member States and established a general framework for international cooperation against terrorism. Some of the obligations outlined in the resolution

include the criminalization of offences, incorporating them as serious crimes into domestic law, freezing of funds associated with terrorist activity, prohibition on financing of terrorist activities, and an obligation to engage in international cooperation in an effort to prevent and suppress terrorist activity. Furthermore, resolution 1373 urged States to ratify and fully implement the universal conventions and protocols related to terrorism. Resolution 1373 (2001) does not impose sanctions and does not establish a listing mechanism, but leaves it up to States to engage their domestic criminal justice systems against terrorism offences.

Continuing to shape the universal legal framework against terrorism, the Security Council adopted resolution 1540 (2004), which aims to prevent non-State actors from developing, acquiring, manufacturing, possessing, transporting, transferring or using nuclear, chemical or biological weapons. This resolution seeks to fill gaps in the existing non-proliferation instruments, such as the Treaty on the Non-Proliferation of Nuclear Weapons.

More recently, the Security Council has focused its activity on the phenomenon of foreign terrorist fighters (FTFs). In adopting resolutions 2178 (2014) and 2249 (2015), the SC emphasized the urgent need to prevent the travel and support for FTFs associated with ISIL/Da'esh and other groups affiliated with Al-Qaida. Resolution 2195 (2014) on the other hand reflects the international community's concern on the link between terrorist and transnational organized crime and the realization that some of the means employed by terrorist groups to finance themselves may involve the trafficking of arms, drugs, persons, cultural artifacts and trade in natural resources including gold, precious stones and metals, oil, as well as kidnapping for ransom.

Another aspect of terrorism financing which has been highlighted by the activities of ISIL/Da'esh and its affiliates is the looting and illicit sale of cultural artifacts from Iraq and Syria. These activities constitute a source of revenue for these groups, resulting in further action by the Security Council.⁵ Thus, resolution 2199 (2015) calls on Member States to take appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance that have been removed from these countries.

SUMMARY

Overall, TPB continues its efforts in delivering legal technical assistance to Member States for the ratification, legislative incorporation and implementation of the international legal instruments against terrorism. Since 2003, TPB has provided specialized training to more than 24,000 criminal justice officials by organizing regional, sub-regional and national professional development workshops for counter-terrorism practitioners including judges, prosecutors and law enforcement officials. Providing legal advisory services encourages adoption of the counter-terrorist instruments by Member States. Since TPB's inception thirteen years ago, many Member States assisted have formalized 668 new ratifications of legal instruments and have undertaken the development of 145 pieces of legislation, which means the international community continues to move towards a stronger universal legal regime against terrorism.♦♦

3. See <http://www.un.org/en/counterterrorism/legal-instruments.shtml>

4. Conventions and protocols would be binding once ratified by States.

5. The Financial Action Task Force (FATF) states that ISIL finances its activities both through selling looted artefacts and taxing traffickers moving items through ISIL-held territory. Financial Action Task Force report on Financing of the Terrorist Organisation Islamic State in Iraq and the Levant (ISIL), February 2015, p. 17.

RÉSUMÉ : THE UNODC TERRORISM PREVENTION BRANCH: TECHNICAL ASSISTANCE DELIVERY

PAR ARTURO LAURENT ET JOAQUÍN ZUCKERBERG*

Cet article traite de la portée de l'aide fournie par le Service de la prévention du terrorisme de l'ONUDC aux États membres aux fins de la ratification, de l'incorporation dans les lois et de la mise en œuvre des instruments juridiques internationaux contre le terrorisme. Les auteurs soulignent que le cadre est constitué de 19 conventions et protocoles internationaux mandant la criminalisation de délits liés au terrorisme en vertu du droit interne et de l'engagement en coopération internationale. Zuckerberg et Laurent mettent l'accent sur l'absence d'une définition universellement acceptée du terrorisme et sur le fait que les instruments doivent être adaptés afin de répondre à des manifestations particulières du terrorisme. Les auteurs soulignent en outre que la diversité des systèmes juridiques fait en sorte que la forme que prennent les instruments dépend des lois internes, qu'il n'existe aucun éventail de peines applicables et que les conventions internationales et les résolutions du Conseil de sécurité ne définissent qui est compétent au sein de l'État. Postulant que le rôle de l'assistance technique fournie par le Service de la prévention du terrorisme consiste à assurer une mise en œuvre efficace, qui accorde la priorité à la règle de droit et au respect des droits de la personne, en plus de requérir l'établissement de mécanismes de coopération internationale, cet article traite aussi de résolutions adoptées par l'Assemblée générale de l'ONU, qui constituent selon eux un élément important du cadre international, qui continuent de façonner le cadre juridique international contre le terrorisme et qui compensent dans une certaine mesure le fait que tous les États ne sont pas parties aux instruments internationaux.

* Les vues exprimées dans ce document sont celles des auteurs et ne reflètent pas nécessairement celles des Nations Unies.

Les conventions et les protocoles auraient un caractère exécutoire après avoir été ratifiés par les États.

1. The views expressed herein are those of the author(s) and do not necessarily reflect the views of the United Nations.

2. The views expressed herein are those of the author(s) and do not necessarily reflect the views of the United Nations.

CYBERTERRORISM AND CYBER SECURITY: A GLOBAL PERSPECTIVE

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Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb.

— National Research Council, Computers at Risk (1991)

- SUMMARY -

This article provides an overview of the growing threat to global security and public safety posed by cyberterrorism by exploring its main forms, the tools of the trade, how and why it engages terrorists, and national and international consequences and responses. Exploring the risk posed by the convergence of cyberspace and criminology and how theories such as target hardening can be used in prevention, the authors cite a vital need for special cyber-intelligence teams. The imperative of securing critical infrastructure and virtual communications systems is key contend the authors, who criticize cyber-insurance schemes for offering only a modicum of resilience. Positing the national and international risks posed by the inherent vulnerabilities of cloud-based storage as requiring immediate action, in particular the potential threat to India, the authors maintain that - in lieu of effective prevention methods - the international law principle of universal jurisdiction is currently the most feasible deterrent.



The term "cyberterrorism" is, as Peter Gabor-sky (2016) pointed out, a somewhat vague term. However, one of the leading experts on the subject defines cyberterrorism as the "unlawful attacks or threats of attacks against computers, networks, and the information stored therein when done to intimidate or coerce a government or its people in furtherance of political or social objectives" (Denning, 2000, p. 10). In other words, cyberterrorism is essentially about the use of information technology (IT) to implement terrorist activities. This article provides an overview of how and why cyberterrorism has become such a major threat to global security and safety.

CYBERTERRORISM, WARFARE AND THREATS

Today, cyberspace constitutes an arena for a countless number of computing devices that

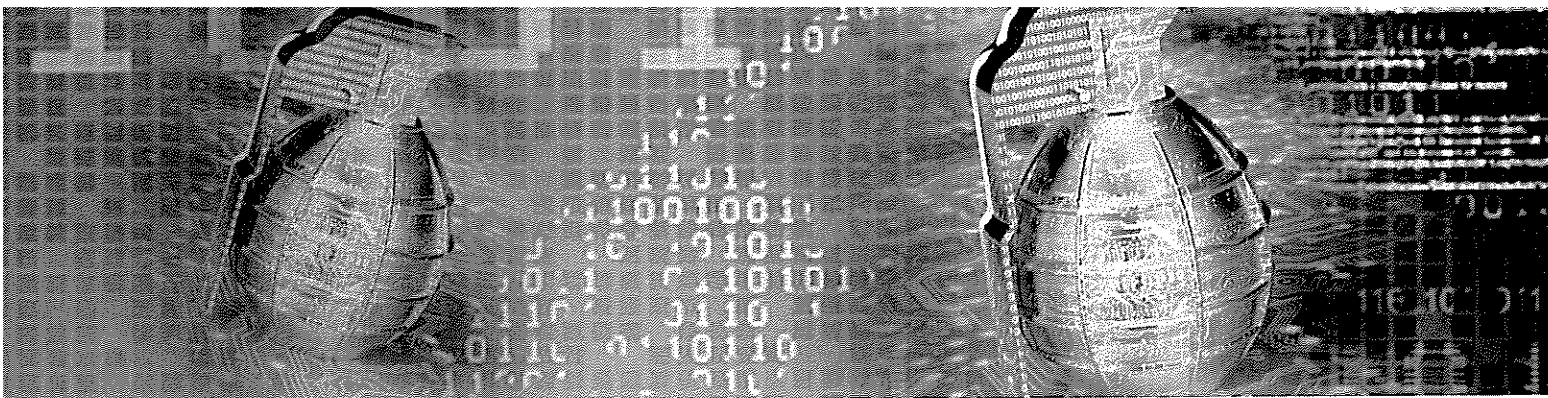
make up the internet. Given the presence of autonomous bodies (e.g. non-human users), numerous technological developments posit not merely new advances but also new threats. Cyberspace has become the new 'freedom of the press' platform and, while traditionally only a few had access to such a stage, today nearly anyone can create a website, post information and engage in real-time virtual communication using a myriad of social media applications. It is estimated that by the end of 2020 online devices will outnumber human users by a ratio of 6:1. One recent report noted an estimated three billion internet users today, compared to a meager 400 million in 2000.

The internet has become a virtual war zone for peacetime hostilities between such countries as Taiwan and China, Israel and Palestine, Pakistan and India, and North Korea and the United States. These virtual interface tensions can involve nation-states, non-state individuals, and groups that either align with

one side or the other or groups acting independently. Furthermore, for cyber-terrorists there has been no shortage of new tools and new technologies allowing them to commit their criminal acts 'virtually' from anywhere in the world. As a result, cyber security has become a cornerstone of national and international security policies.

MAIN FORMS OF CYBER THREATS AND THE 'TOOLS' OF THE TRADE

The most common form involves hacking (e.g., Kevin Mitnick in the '70s) and illegally gathering information through social engineering, spreading malwares such as viruses (e.g., Melissa & ILOVEYOU) and worms (e.g., 2007 Storm Worm), phishing, spam, pharming, and ransom ware. Other techniques are also being used to commit cyber (terrorist) attacks, however, including data theft, network damage and disruption strategies, the infiltration and destruction of E-governance, E-sources and E-resources, etc.



WHY DO TERRORISTS OPT FOR CYBERSPACE?

There are many reasons why terrorists opt for cyberspace as an option for modern acts of terrorism. Several of these reasons include:

- It is inexpensive. One only needs a technologically equipped person and a server or simply personal computers or laptops with internet access or network connectivity.
- The anonymity attached to cyberterrorism is high compared to traditional terrorist methods. Terrorists log on using online nicknames —“screen names”— or log in to a website as an unidentified “guest user”, making it very difficult for security agencies to identify and locate their identity.
- It is comparatively easy to attack many targets at one time with no 'physical weapons' and almost no manpower. The sheer number and complexity of potential targets guarantees that terrorists can find weaknesses and vulnerabilities to exploit.
- To commit a cyber (terrorist) attack requires less physical training, psychological investment, risk of injury, etc.
- The time involved in investigating a threat is significant and this time gap allows cyber-terrorists to evade detection and apprehension.
- The investigation and countermeasures for combatting cyber threats and terrorisms have been comparatively ineffectual.
- There are few international laws or agreements to prevent cyberterrorism or cyber threats.

PREVENTION OF TERRORISM IN CYBERSPACE AND CRIMINOLOGICAL THEORIES

The ability to prevent cyberterrorism lies in the ability to safely secure cyberspace. However, how best can/might cyberspace be secured? While we accept cyberterrorism as a form of crime against a nation,

group of computers or individuals, it is also understood that any crime involves an offender, a victim or a target space, and a potential Criminal Justice System. In this context, knowledge of a few criminological theories can objectively assist in the understanding of prevention strategies. Cohen and Felson, in their 1970s Routine Activities Theory on understanding crime problems, had elaborately discussed three major components involved in a crime: a motivated offender, a potential victim, and no capable guardian.

Cyber-terrorists are made not born. They typically enter into cyberterrorism because they are:

- attracted to terrorist organizations due to their ideologies and support systems; or,
- people trained in information technology and professional hackers hired by terrorist organizations; or,
- a new group of individuals who join together to achieve certain goals or a few frustrated individuals trying to inflict damages against a given society; or,
- individuals who would like to try something new and show off their capabilities to the world.

PREVENTION OF CYBERTERRORISM THROUGH TARGET HARDENING

For any type of cybercrime, prevention is considered the best means of responding. Terrorists often hide their identity and whereabouts and will remain anonymous most of the time. This is both true for conventional terrorist activities and for cyber-based terrorist incidents. Therefore, one of the primary prevention strategies emanates from the principle of target hardening. In the case of cybercrime prevention, target hardening may be done using various technologies and products (e.g., firewalls, applied cryptology, and intrusion detection) and procedures to protect information technology assets owned or operated by an individual or organization. It is

better to 'harden' the target by minimizing its vulnerabilities. Given the vulnerabilities of most cyber systems, the low cost of most attacks, and the ability of attackers to strike from positions of physical safety, a skilled and determined attacker may be more likely to succeed than to become frustrated. Drawing on the target-hardening concept, it is possible to identify five main technological aspects which should be taken into consideration when trying to prevent cyberterrorism incidents:

1. Strengthening intelligence-gathering technological methods and techniques for effectively evaluating and acting on technology intelligence.
2. Securing Supervisory Control and Data Acquisition (SCADA) systems for managing critical physical and telecommunication infrastructures.
3. Upgrading the security of information assets.
4. Forming emergency response teams throughout each country.
5. Developing a disaster-management protocol.

Technology intelligence is the main source of target hardening. There is a need for special cyber-intelligence teams within policing and law enforcement agencies. There is also a need for document scanning and collecting information regarding the tracking of the IP addresses of various suspicious organizations, the activities of existing hacking clubs and those of professional hackers and their hacking trends, understanding the modus operandi of attacks on systems, the latest programming technologies applied and their association with other countries, etc. Unless there is a strong cyber-intelligence team, it is impossible to harden the target. Hence, it is essential to secure critical infrastructure and virtual communication systems by ensuring the security of SCADA systems and constant monitoring by professionals. As we

invest in developing such infrastructures, it is also important to invest in their security. Any IT asset is a target for a cyber-attacker or cyber-terrorist. Hence there is a need for securing the information (i.e., knowledge) assets. Hence, every critical infrastructure system should have its own information security protocol and planning guidelines.

Similarly, the use of the cloud as a storage space is an invitation to attackers these days. A cloud is deemed to be unsecured or troublesome for the following reasons:

1. A space in 'the cloud', which is 'rented' from a private agency, is operated by someone who is unknown to the customer. It requires a third-party provider to maintain cloud-based data. The security of a cloud customer's data currently depends on an unknown data regulator source. As a result, there is the potential for a cyber-terrorist to infiltrate the third-party vendor and compromise their security without the knowledge of the owner of the data. As such, there is no cloud-data storage policy or cloud-data security.
2. Clouds are vulnerable to cyber attack because huge amounts of data are being stored in an unknown location and no one would be aware of any security compromise unless they have been victimized. Furthermore, it is easy to steal 'cloud' passwords through phishing and other social engineering techniques.
3. Clouds are additionally prone for insider attacks. An employee can give access to another's cloud if s/he is disgruntled. Vodafone's breach of 2 million customer records and the Edward Snowden breach at the NSA (National Security Agency) are wake-up calls that the most serious breaches are due to insider threats and privileged user access. The cloud makes this problem 10 times worse, since administrative access to the cloud-management platform enables undetected access to any virtual machine that could be used to potentially destroy the entire cloud environment in very short order.

4. Lack of standardization of clouds is a major problem. There are no uniform norms or legal provisions to regulate the cloud providers, ensure safety, insure the data stored, etc. This allows a cloud provider to have untrained employees. There is a possibility that a cyberterrorist organization may make use of a cloud-providing organization or employee to get in and steal or damage the data or hack the critical infrastructure (see, for example, Henriques & Ding, n.d.).

Hence, there is a lot to think about as regards securing the cloud and protecting the critical infrastructures from cyber-terrorists or cyber-attackers. Cyber-insurance schemes offer disaster management to private and government organizations to offer added resilience.

THE ROLE OF A CAPABLE GUARDIAN IN PREVENTING CYBERTERRORISM

There is a need for effective deterrence measures often lacking in the prevention efforts. In the absence of feasible prevention, deterrence of cyberterrorism may be the next best alternative. Without, at a minimum, a concerted effort at deterrence, cyberterrorism will continue to threaten national and international security. Currently, the most feasible way to deter cyber-terrorists is by risk of prosecution under the international law principle of universal jurisdiction (Gable, 2010).

Cyber security has an interesting parallel to terrorism. Both are players in asymmetric conflict. Ensuring security of data, information, and communication is considerably harder than hacking into a system. The attacker has an inherent advantage in both conventional terrorism and cyber attacks. In the case of state-sponsored attacks, the challenges are of a much higher magnitude (Narayanan, 2016). Defence and protection against cyber attacks is becoming increasingly difficult. This was highlighted at the recent RSA (Cyber) Conference 2016 in San Francisco, the RSA being the gold standard of cyber security. The meeting acknowledged that "adversaries" (or hackers) were becoming more creative and more sophisticated. At the same time, the industry faced a real shortage of cyber security talent. RSA President Amit Yoran said there are no "silver bullets" for cyber security. Other experts observed that the answer lay in 'bleeding edge technology' and 'big data analytics', a customized approach to specific challenges

and a radically new system and data protection architecture that could turn asymmetry on its head.

The aphorism that one needs to be 'ahead of the curve' is relevant to the world of technology as a whole. Cyber security is somewhat unique, and rests on the fundamental pillars of mathematics and computer science. The need is to accelerate the pace at which cyber security specialists are produced, to meet the growing threat — one estimate puts the approaching cyber security talent shortage at "almost two million people worldwide" (Narayanan, 2016). Japan has come out with an action plan for the prevention of cyber-terrorism. The UN has come out with the *Cyber Intelligence Sharing and Protection Act*, 2014. The cyber threat to India cannot be ruled out. The number of attacks on security, military and economic targets is going up. India remains vulnerable to digital intrusions such as cyberespionage, cybercrime, digital disruption and distributed denial of service type attacks, which could sabotage multiple infrastructure assets. Erecting proper public defenses is thus vital. *Advances in software are beginning to allow users to browse the internet anonymously, bouncing actions through 'encrypted relays'. This prevents eavesdropping, tracking what sites a particular user is visiting or determining the identities of the users of a particular site.* This, however, could pose other security challenges (Narayanan, 2016).

CONCLUSION

In recent years, cyberterrorism has become an increasing global concern. International efforts to combat cyber attacks and/or prevent cyber-attackers and/or thwart cyber-terrorists are becoming increasingly more challenging given the constant evolution of the perpetrators' techniques and strategies. Therefore, it is ever more important to be forearmed with both offensive cyber operations and strengthened cyber security to effectively combat and prevent the spread of this type of crime. In addition to such initiatives as The Dutch-based Hague Security Delta, the security port to Europe (see <https://www.thehaguesecuritydelta.com/>), the following points represent some of the current prevention strategies:

- a) Establish a uniform set of guidelines and legislation to prevent cyberterrorism and cyber attacks.

- b) Establish and strengthen international cooperation and coordination to more effectively combat the risk of cyber attacks.
- c) Increase the level of funding to government and other agencies for security measures.
- d) Create uniform cloud-computing polices to be derived in consultation with various stakeholders from all the countries.
- f) Draft and analyze the risk factors involved in cloud computing and thereby frame counter-measures and detection-mechanisms.
- h) Strengthen the education and awareness on information security and digital forensics across the world.

Despite our best intentions and efforts, cyber threats will continue to grow exponentially in the coming years and the resources needed to combat them will also continue to spiral. It is critical to understand that emerging cyber threats can no longer be ignored, and a continued failure to plan and execute anti-cyber-attack protocol today will cause long-term damage to national and international security.●●

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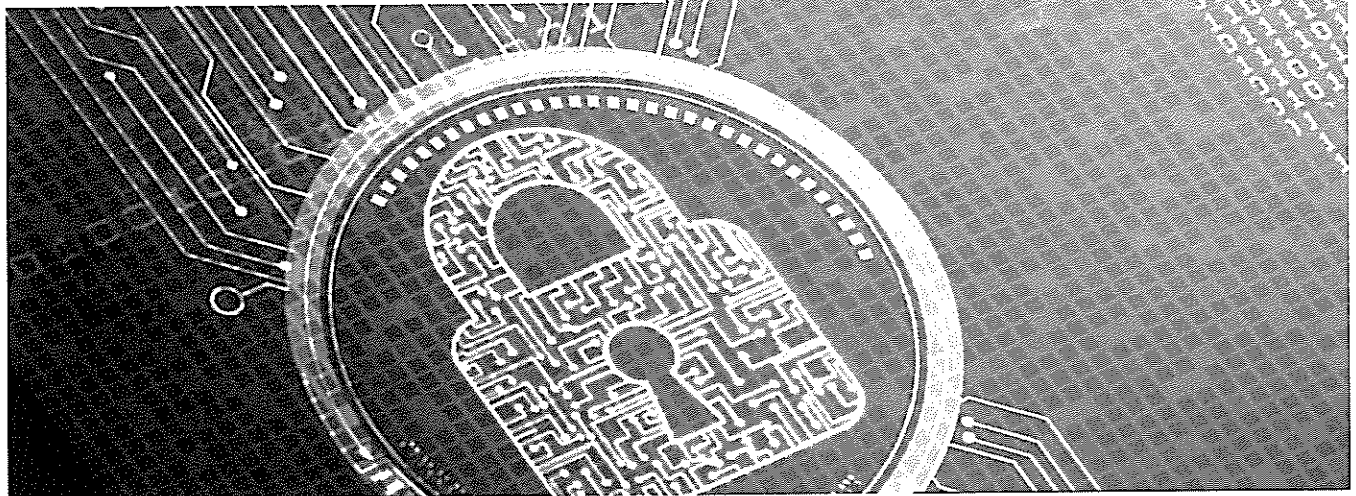
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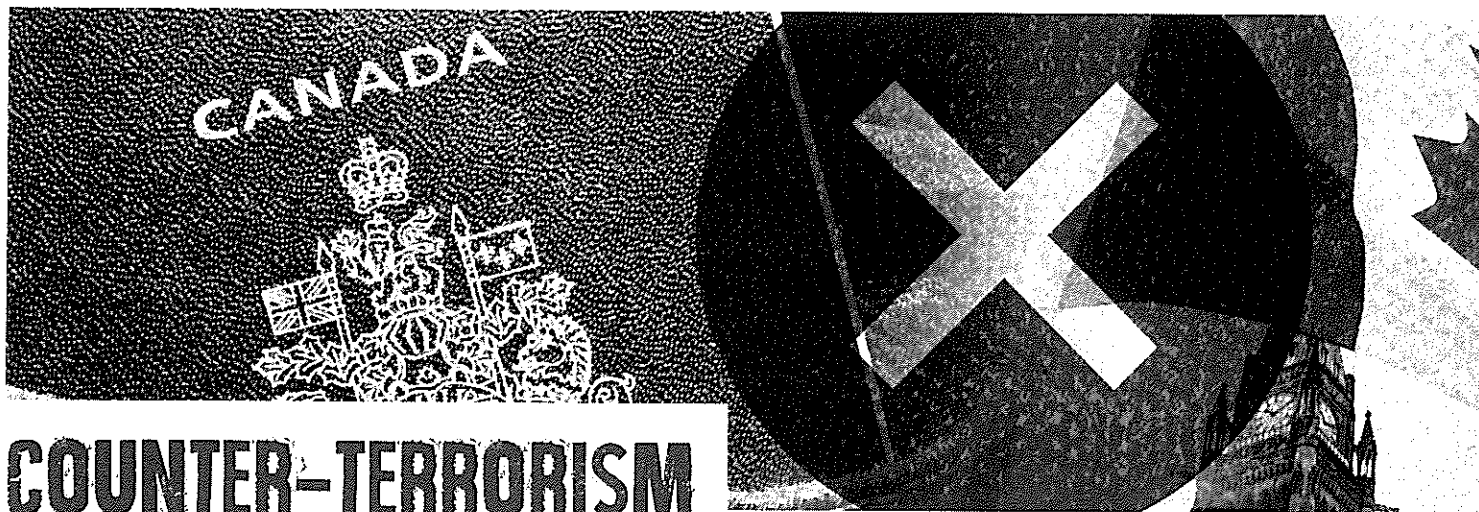
RÉSUMÉ : CYBERTERRORISM AND CYBER SECURITY: A GLOBAL PERSPECTIVE

PAR LATHA SUBRAMANIAN, JIANHONG LIU ET JOHN WINTERDYK

Tomorrow's terrorist may be able to do more damage with a keyboard than with a bomb.
— National Research Council, Computers at Risk (1991)

Cet article présente un aperçu de la menace grandissante à la sécurité mondiale et à la sécurité publique découlant du cyberterrorisme en examinant ses principales manifestations, les instruments de travail de terroristes, les facteurs qui incitent au terrorisme et ses modalités ainsi que les conséquences et les réponses des communautés nationale et internationale. Se penchant sur les dangers que posent la convergence du cyberspace et de la criminologie et sur la façon dont des théories comme le renforcement des cibles pourraient être mises à contribution pour prévenir la criminalité, les auteurs invoquent un besoin vital d'équipes spéciales de cyber renseignement. Les auteurs avancent qu'il s'impose de sécuriser les infrastructures critiques et les communications virtuelles et ils se montrent critiques à l'égard des programmes de cyberassurance, qui n'offrent qu'un minimum de résilience. Les auteurs sont d'avis que les dangers à la communauté nationale et internationale que posent les vulnérabilités inhérentes au stockage de données basées dans «le nuage» requièrent une action immédiate, notamment en ce qui a trait aux menaces pour l'Inde, et qu'à défaut de méthodes efficaces de prévention, le principe juridique de compétence universelle s'avère actuellement la forme de dissuasion la plus efficace.





COUNTER-TERRORISM STRATEGIES AND RISK MANAGEMENT: CONTAINING OR DISLOCATING RISK?

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- SUMMARY -

This article begins with an overview of how - and in reaction to what - a new criminology leading to a reworking of crime "risks" focused on prevention was ushered in during the neo-liberal 1980s-90s, a time when governments were responding to "high crime rates as a normal social fact" (Garland, 1996). This approach focused on crime risk management over rehabilitation, served to widen the penal apparatus and emphasized the involvement of individuals and communities with police in helping to guarantee security. Pointing out that high crime rates are no longer normal social facts and the core threat to state authority is now terrorism, the authors explore and defend counter-terrorism legislation based on a range of risk-management approaches that can give the impression of being 'contradictory' and 'schizophrenic'. These new provisions, suggest Cheung and Levi, alternatively contain or dislocate risks: citizenship revocation physically dislocates risk while passport revocation can either contain by disrupting potential terrorist activity or dislocate or externalize risk - if used to limit the ability of Canadians overseas to return to Canada.

Canadians are angry that terrorists are using Canadian citizenship simply as a convenient way to fly under the radar in order to commit terrorist acts. In doing so, they are eroding the value of Canadian citizenship - If we allow terrorists to keep the Canadian citizenship they have abused, we are sending a message that our citizenship is not about shared values, freedom, democracy, the rule of law, or loyalty.

[within a framework of Bill C-24's proposed citizenship revocation on national security grounds (emphasis ours)] (Shay, 2014, 2120 para. 3, 14, 15)

The final decades of the twentieth century ushered in fundamental transformations in the field of crime and punishment. This led to a reworking of how crime "risks" were imagined and acted upon: crime policy thus saw an increased reliance on actuarial prediction, an emphasis on risk management over rehabilitation, an expansion of the penal apparatus, and an emphasis on individuals and communities to manage their own everyday risks and to partner with the public police to guarantee their security.

Naturally, there was great variation in these programs and their political under writings. A prime explanation, however, emphasized that governments of the 1980s onward were responding to "high crime rates as a normal social fact" (Garland, 1996, p. 446). On this analysis, the risk management efforts of this neoliberal era stemmed from two competing reactions: first, a recognition that the state alone cannot successfully claim to guarantee security and control crime, requiring new adaptive partnerships with communities to manage



everyday risk; and secondly, reliance on highly visible punitive policies in a symbolic effort of denial to politically reassert state authority. Within the domestic context, these alternating risk management policies – identified as "contradictory" and "schizophrenic" (Garland, 2001, p.137) – led to sharply different strategies to "include" some in everyday prevention initiatives, and to identify and "exclude" others as dangerous, such as repeat or irredeemable offenders. In both cases, there was increasing attention to preventive strategies.

Much has changed. Since the mid-1990s, high crime rates are no longer normal social facts, and the core threat to state authority now comes from concern over terrorism. In addition, we see a continued adaptive focus on a criminology of everyday life, to include us all in our own security: a prime example is US Homeland Security's trademarked "If You See Something, Say Something™" campaign. And this new criminology focuses ever more on managing the risk of offence rather than new prevention strategies. As a result, counter-terrorism strategies appear to demonstrate "contradictory" and "schizophrenic" qualities – partly because the offence to be prevented may occur at home or abroad.

In Canada, the federal government relies on approaches that alternate between containing and dislocating terror risks. These approaches include citizenship revocation, passport revocation, and creating terrorism "training" offences in the Criminal Code. We include citizenship revocation here because, despite a current Bill tabled by the new government designed to eliminate citizenship revocation on national security grounds, it figures prominently in public debates over security and terrorism. Below, we describe each of these approaches, how each perceive and manage risk differently, and how each has been articulated and justified.

CANADIAN POLICY MEASURES: CONTAINING AND DISLOCATING TERROR RISKS

Citizenship Revocation. In 2015, the *Citizenship Act* was amended to allow for denaturalization of Canadian citizens found to be disloyal (Bill C-6, 2016). Prior to these amendments, denaturalization was permitted only in circumstances where an application for citizenship was found to be fraudulent.

The amended *Act* permits the revocation of citizenship lawfully obtained for conduct committed after becoming a citizen. Specifically, dual citizens (or Canadian citizens who, in the government's assessment, are entitled to citizenship in another country) could be subject to Canadian citizenship revocation if:

- convicted of a terrorism offence and sentenced to five years imprisonment;
- convicted of a treason or spying offence and sentenced to imprisonment for life;
- convicted of certain offences under the *Security of Information Act*, or, ...
- found to have "served as a member of an armed force - or as a member of an organized armed group - of a country engaged in an armed conflict with Canada."

If citizenship is revoked, the individual would become a foreign national and vulnerable to expulsion. Thus, this strategy aims to physically *dislocate* risk by expelling the individual from Canada.

Passport Revocation. Citizenship and passport revocation are different in their impact on individuals subject to revocation, and in what the revocation accomplishes in terms of risk mitigation.

The authority to issue passports is granted to the executive branch through royal prerogatives exercised by the Governor in Council, as set out in the *Canadian Passport Order*. The *Order* creates ministerial discretion to refuse or revoke a passport for reasons of national or international security, or where: "the decision is necessary to prevent the commission of a terrorism offence" (Canadian Passport Order, n.d.). Passport Canada may also refuse to issue a passport on national security grounds. Passport revocation, refusal, or cancellation can be used to keep individuals from travelling to commit terrorism offences or attend terrorism "training" overseas. Used this way, passport revocation aims to *contain* risk by disrupting potential terrorist activity, and containing potential terrorists within Canada's borders. That said, passport revocation can also be used as a temporary measure to limit the ability of Canadians overseas to return home. Used this way, the same strategy of passport revocation would serve to *dislocate*, or externalize, risk.

Terrorism Training and Foreign Fighters. In 2013, the *Criminal Code* (CC) was amended (i.e., CC, RSC 1985) to create four new terrorism offences relating to leaving or attempting to leave Canada to engage in terrorism abroad, or to join a terrorist group. The risks posed by individuals travelling abroad to engage in terrorism are twofold: the violence they may commit abroad, and a presumed heightened ability to successfully carry out acts of terror upon their return home.

This strategy aims to localize and contain risk by criminalizing *attempts* to leave Canada, or *attempts* to "board a conveyance" with the intent to:

- participate in the activity of a terrorist group;
.....
- facilitate terrorist activity;
.....
- to commit an offence "for the benefit of, at the direction of or in association with a terrorist group"; or,
.....
- engage in terrorist activity. (CC, RSC 1985)

In criminalizing attempts to travel, these provisions make it possible for authorities to exercise powers of arrest and detention locally, and to *contain* the risk – as embodied by the "risky" individual – in Canada.

Though distinct, these strategies have largely been conflated in public debate. Citizenship and passport revocation, and offences designed to criminalize travel attempts, are often invoked as if they were all of a piece. Yet each carries a different vision and understanding of the risk of terror. These alternate between strategies to cast out risk (citizenship revocation for dual nationals), strategies to contain and police risk locally (in regard to high-risk travelers), and strategies that can do either (citizenship & passport revocation); we are left to speculate how each of these finds its place, then, within the context of a broad counter-terror regime. For example, the strategic approach that underlies casting out risk through citizenship revocation would suggest that high-risk travelers might indeed be allowed to leave Canada, out of concern that doing otherwise increases the potential for them to commit offences locally.

To develop an analysis of these varying risk strategies, we have begun empirical work on the justifications that are mobilized politically for each of these three approaches. The thinking here is that whatever the political currents of the day, proponents provide insight into how the risk of terrorism is conceived, how each strategy is identified to address that risk, and the connections between these strategies and the policy levers available to governments.

We have begun by reviewing floor debates in the House of Commons on citizenship revocation (Bill C-24, 2014; Bill C-6, 2016) and on CC amendments regarding high risk travelers (Bill S-7, 2015), along with press releases and mentions of passport revocation in House debates. We have chosen these sources because they are explicitly political and justificatory.

WHAT HAVE WE FOUND SO FAR?

At one end of the spectrum, citizenship revocation is largely justified in terms of moral forfeiture, lack of allegiance, and disloyalty to Canada. Canadians who are eligible for dual citizenship elsewhere and found to have engaged in the prohibited activities above are identified as potentially 'abusing' Canadian citizenship (Shory, 2014, 2120, para. 14), and these provisions are about "detering disloyalty" (Alexander, 2014, No. 1530, para. 7). The political justifications mobilized suggest that citizenship revocation is said to address the risk of a "devalued" Canadian citizenship, rather than an exclusive risk to security.

At the other end of the spectrum, new terrorism offences regarding Canadians who seek to engage in terrorist activity abroad (through Bill S-7) carry a similar narrative. While identified as preventative and deterrent legislation by its sponsor, debates in parliament of-

fered rationalizations based on the reputational risk to Canada and what it means to be Canadian (Norlock, 2012), the challenges produced for Canada when its nationals engage in terrorism abroad (Cotler, 2013), or the effects for other Canadians who then travel to locations that are unsafe due to terrorism risks (Crockatt, 2013).

Finally, passport revocation, which, depending on the individual's location, either serves to contain or dislocate risk, is said to counter two distinct risks. The first, seen above in the opening quote by former Alberta Conservative MP Devinder Shory, emphasizes the reputational risk to the value of a Canadian passport, and the values said to be projected through it, the risk of its devaluation for other passport holders with the privileges of the document.' The second emphasizes the enhanced security risk to Canadians when their co-citizens gain terrorism training and experience. Here, the risk is the danger that individuals may pose upon their return to Canada, rather than the effects of their violent activities abroad. On this score there is a perceived need for new law enforcement and national security tools in a changing, internationalized landscape, "to address the evolving threat of terrorism" (as cited in Government of Canada, 2015, Quotes, para. 1) (see Table 1, below).

TABLE 1
COUNTER-TERRORISM STRATEGIES: RISK AND JUSTIFICATION

COUNTER-TERRORISM STRATEGY	RISK MANAGEMENT APPROACH	JUSTIFICATION
Citizenship Revocation	Dislocating Terror Risk	Symbolic value of Canadian citizenship
Criminalizing terrorism - related travel	Containing and Policing Terror Risk	Canada viewed internationally and protecting Canadians abroad
Passport Revocation	Containing or Dislocating Terror Risk	Reputational value of Canadian passport and protecting Canadians at home

CONCLUSION

These counter-terrorism strategies represent preventive strategies designed primarily to manage risk rather than to punish wrongdoing. Yet given the internationalized context of terror risks, this preventive strategy is now more layered than the convention criminal justice approaches. What risk is thought to be mitigated? Is it terrorist activity on a global scale? The threat of a domestic terror attack at home? Some desired outcomes may require localizing and containing that risk, while others may require dislocating and externalizing it elsewhere. Hence, counter-terrorism strategies can do both, sometimes in coordination, or sometimes in opposition.

To get at this question, we have focused on strategies that emphasize the mobility of certain individuals who may seek to engage in terrorist activities either at home or abroad. We find that in addition to protecting against the risk of violence, these counter-terrorism strategies are also politically justified by the risks to the nation itself: to Canadian passports, to Canada's reputation, or to the symbolic value of Canadian citizenship. This may help explain the alternating risk management approaches taken: sometimes containing and sometimes dislocating the risk of violence, these counter-terrorism strategies are also justified as mitigating risks to the nation itself and the management of risk to the state's own success. ••

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RÉSUMÉ : COUNTER-TERRORISM STRATEGIES AND RISK MANAGEMENT: CONTAINING OR DISLOCATING RISK?

PAR CARMEN CHEUNG ET RON LEVI

D'entrée de jeu, cet article présente un aperçu de comment et en réaction à quoi la nouvelle criminologie a entraîné un remaniement des dangers liés à la criminalité axée sur la prévention au cours de la période néolibérale des années 1980 et 1990, à une époque où les gouvernements considéraient des taux de criminalité élevés comme un fait social normal (Garland, 1996). Cette approche était centrée sur la gestion du risque lié à la criminalité plutôt que sur la réadaptation et a servi à élargir l'appareil pénal, en mettant l'accent sur l'implication de personnes et de collectivités aux côtés de la police pour aider à assurer la sécurité. Soulignant que des hauts taux de criminalité ne sont plus perçus comme des faits sociaux normaux et que le terrorisme constituait une menace fondamentale à l'autorité de l'État, les auteurs examinent et se portent à la défense des législations antiterroristes fondées sur toute une gamme d'approches de gestion des risques, qui donnent l'impression d'être *contradictoires* et *schizophréniques*. Selon Cheung et Levi, ces nouvelles dispositions peuvent tantôt contenir les risques tantôt les extérioriser: une révocation de citoyenneté disloque physiquement les risques, alors que la révocation d'un passeport peut soit les contenir en perturbant des activités terroristes potentielles ou les *disloquer* ou les *extérioriser*, si on s'en sert pour limiter la capacité des Canadiens d'outre-mer de rentrer au Canada.

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THE STUDENT SPACE L'ESPACE ETUDIANT

THE LIFE AND DEATH OF CVE PROGRAMS: INFORMING PUBLIC POLICY

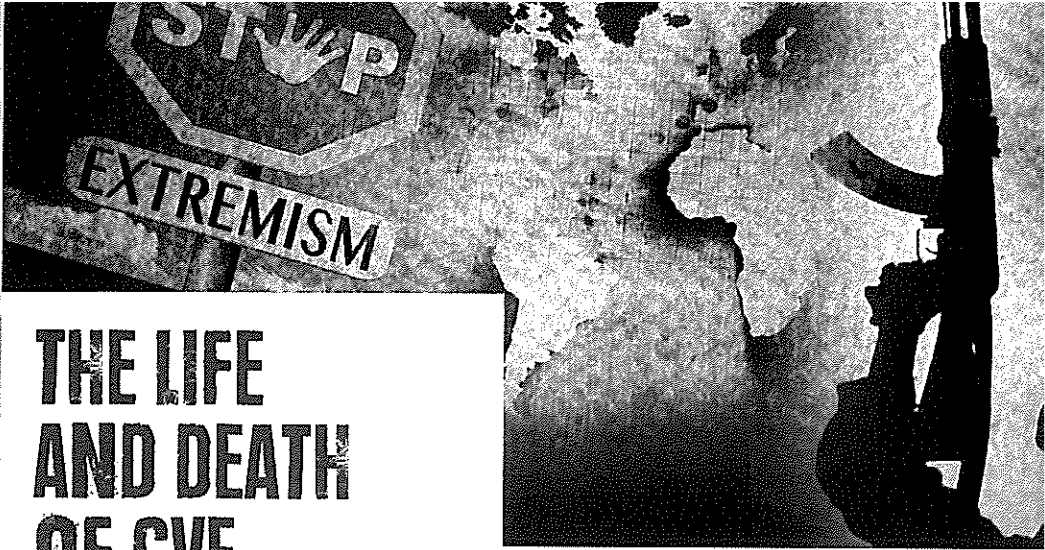
BY CHRISTINE H. NEUDECKER

MA Student, Simon Fraser University

This article is based on the author's MA Thesis.

- SUMMARY -

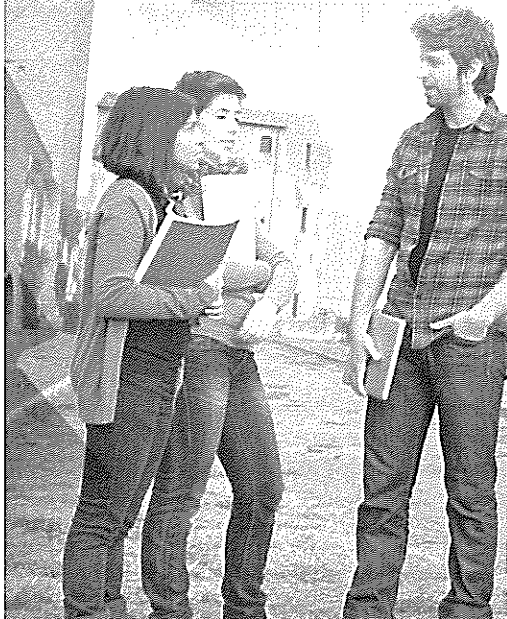
Neudecker explores public policy within a framework of Countering Violent Extremism (CVE) programs popular with Western governments. These programs aim at determining how and why people engage/are recruited and how to reintegrate those who disengage back into society. As such, CVE programs are largely prevention-based initiatives aimed at developing counter-narratives to help raise awareness in local communities. Neudecker notes the failure and questions of sustainability as not surprising given the failed trajectory of several CVE programs. While calls for reform have led to new programs, Neudecker explains that some 'fixes' may be ridden with faulty evaluative measures. The author notes that the fate of CVE programs is ambiguous in spite of the longevity of existing programs, improved focus of newer versions, and inclusion of CVE experts in development, but that study of the life and death of CVE remains vital.

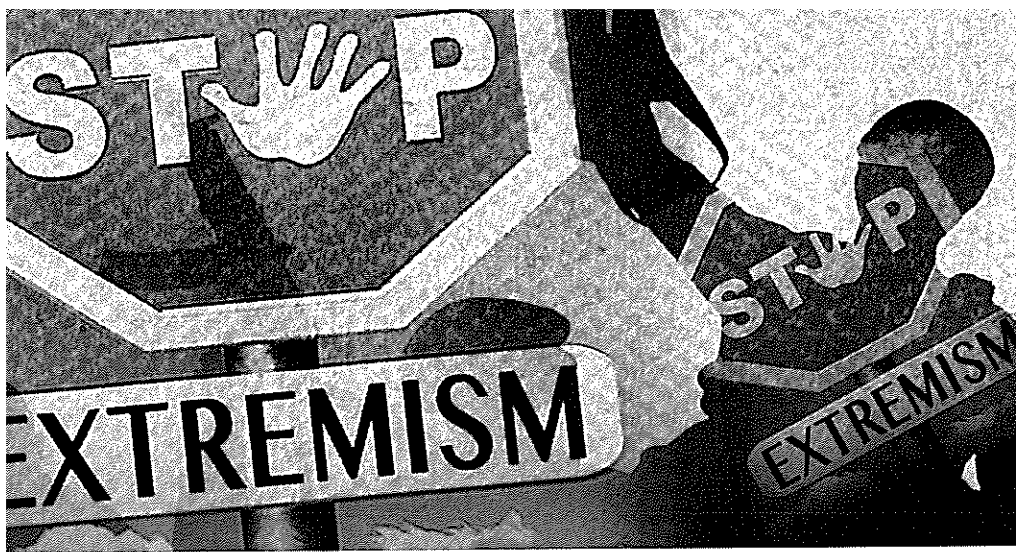


Countering Violent Extremism (CVE) programs, currently favored by Western governments, are well ingrained within many national counter-terrorism policies to halt or slow the radicalization potential of those at risk of involvement with violent extremist/terrorist organizations. These programs seek to determine how and why people engage/are recruited and how to reintegrate those who then disengage back into society. CVE programs are largely prevention-based initiatives aimed at developing counter-narratives to help raise awareness in local communities. Since the major influx of CVE-specific programming in the mid-2000s, a multitude of programs have come and, in some cases, gone. Given the failed trajectory that several programs have unwittingly been on, the practice and sustainability of CVE programming is questionable.

THE PROBLEM WITH CVE

Experts blame several factors for the failure of CVE programs, such as lack of funding, low staffing, poor practices, uninformed/unrealized goals, credibility of messenger and counter-narrative technique and delivery methods (Berger, 2016; Braddock & Horgan, 2016). These issues have sparked calls for reform, and new programs have been created to correct the perceived faults of past efforts. While some programs likely do just that, Berger (2016) suggests that others take the form of "pet projects", programs built on anecdotal evidence and having little to no theoretical underpinnings. These 'fixes' can be problematic in their own right in that they can become the basis for a cyclical process of program development which in turn risks creating a redundant





feedback loop. Furthermore, there is a real risk of possibly creating new unexpected issues and/or challenges.

THE DOWNFALL OF EVALUATIVE MEASURES FOR CVE PROGRAMMING

All of these perceived issues with CVE programming have many clamoring for the development of more rigorous evaluative measures. But while evaluation is clearly needed, it is wrought with its own complications. The necessary diversity of the evaluative measures may make them subject to the same risk factors and problematic feedback loops associated with the failure of the CVE programs they are designed to assess. Yet, assessments of individual programs have already been made. USAID (2013), for example, has made an evaluation of their 2012 CVE ventures in Africa available, however, the evaluative measures used are unique to their programs. This means that these measures may, or may not, be transferable for measuring other programs. A potentially bigger issue thus lies in the fact that there is no universal acceptance as to what measure(s) should be used to determine whether or not a program is successful (Berger, 2016). This is largely because of the vastness of the CVE programming spectrum: context is important, and each program combines varying tactics to combat the terrorist threat, often creating a unique 'calling card' of its own. Given the complications that come with preparing for and conducting evaluations, we are left in the same bind as before – not knowing what does and does not work for CVE programs.

IS THE END NEAR FOR CVE PROGRAMMING?

The search for what is and is not working in these programs is an ongoing source of frustration for both governments and CVE practitioners, which begs the question: *Can these programs continue to survive when enshrouded with such ambivalence?* CVE programs already account for a significantly smaller portion of counter-terrorism budgets than other measures. Romaniuk (2015) suggests that the budgets for CVE initiatives are disproportionate to the hype over the effectiveness they cause. With the finite budgets available for the fight against extremist organizations, money is likely to be funneled to policies proven to be most effective. One can't know if programs that fade out of existence after not being refunded by their respective governments have been cut because the money was diverted to initiatives thought to be more effective or because the budget simply did not allow for further allocation of funds. Regardless, the fact that CVE programs tend to be allocated less money would seem to indicate that less confidence exists towards them than to other initiatives. While governments always want (and often need) to be seen as doing something to combat an issue, it is far better if that something works. It seems probable, then, that the death of CVE programs could come about unless effective steps to address these issues are taken.

LOOKING TO SAVE THE LIFE OF CVE PROGRAMMING

With evaluation efforts and qualms about these efforts coming to the forefront over the last year, it has become evident that an interim solution is needed to provide the necessary answers for policy makers regarding what is effective in CVE programming. With dozens (if not hundreds)

of programs now in existence or having existed, a solution may be to look to and analyze the lifespan of – and elements associated with – these programs; that is to say, to study the life and death of certain CVE programs. To say that 'nothing works' in these programs is a mistake. The longevity of many of these programs indicates that something within them is having some success. In fact, many experts have found varying aspects of these programs fruitful. For example, Braddock and Horgan (2016) purport that proper construction and dissemination of counter-narratives is a key element of determining how successful the message can be at reaching and influencing an audience. Aiding this argument is the retirement of the U.S. State Department's 'Think Again, Turn Away' program, which was widely criticized in the media for having narratives and platforms that help to legitimize extremist organizations. Counter-narratives are just one of several methods utilized by CVE programs. There are several other elements that make up CVE programs, as well as the external factors (i.e., support, funding), that could help to determine why they live or die.

Further supporting the use of existing programs to gain valuable information that could affect the sustainability of CVE programming is the fact that many of them now belong to the second wave of programs. Romaniuk (2015, p. 39) argues these programs are more likely to be effective because they are "more focused on behavioral radicalization and better targeted across the micro-, meso-, and macro levels". One must also take into account that many of these programs are now being created in concert with CVE experts, which gives some credibility to their endeavors. John Horgan assisted in the creation of the FBI's latest CVE venture "Don't be a Puppet" and Community Action for Preventing Violent Extremism (formerly known as Exit White Power) was created by CVE experts and other practitioners, maintaining close consultations with them. While straightforward evaluations may be preferable to gain insight into what is and is not working

for CVE programs, there is no denying that there is a wealth of valuable information to be gained through the study of the life and death of these programs. ••

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RÉSUMÉ : THE LIFE AND DEATH OF CVE PROGRAMS: INFORMING PUBLIC POLICY*

PAR CHRISTINE H. NEUDECKER,
étudiante à la maîtrise, Simon Fraser University

Neudecker se penche sur les politiques publiques dans le cadre des programmes de lutte à l'extrémisme violent, en vogue dans les pays occidentaux. Ces programmes visent à établir comment et pourquoi des gens s'engagent ou sont recrutés pour des activités terroristes et sur les moyens de réintégrer dans la société ceux qui s'en désengagent. Comme tels, ces programmes sont pour la plupart des initiatives fondées sur la prévention et visant l'élaboration de récits destinés à faire contrepoids aux propos véhiculés dans le but d'aider à sensibiliser les collectivités locales. Selon Neudecker, les échecs et les questions de pérennité ne sont pas surprenants compte tenu de l'échec de la trajectoire de plusieurs de programmes de lutte à l'extrémisme violent. Bien que la demande de réformes ait donné lieu à l'élaboration de nouveaux programmes, Neudecker explique que certains correctifs pourraient s'être appuyés sur des mesures d'évaluation erronées. L'auteure souligne que le sort réservé à certains programmes est ambigu, en dépit de la longévité de programmes existants, d'objectifs plus clairs des nouvelles versions et de l'inclusion d'experts dans l'élaboration de programmes de lutte à l'extrémisme violent, mais que l'étude de ce qui a permis à certains programmes de survivre ou de mourir demeure vitale.

* Cet article est fondé sur la thèse de maîtrise de l'auteure.

THE STUDENT SPACE L'ESPACE ÉTUDIANT

CANADA AND THE 'FIVE EYES' ALLIANCE: FRAMING CANADA'S LEGISLATIVE RESPONSE TO TERRORISM

BY JULIANNA MITCHELL

School of Criminology, Simon Fraser University - jdm17@sfu.ca
This article is based on the student's Master's thesis.

- SUMMARY -

This article by Julianna Mitchell discusses controversies over Bill C-51, *Canada's Anti-terrorism Act*, within a framework of an intelligence alliance comprising five nations including Canada: the 'Five Eyes' Alliance. Noting that the ATA reforms affect security, privacy, and the power of police and surveillance agencies - and that there is divided support for many of its provisions - Mitchell posits (1) the adoption of speech-related terrorism offences and (2) the enactment of the *Security of Canada Information Sharing Act (SCISA)* as the most controversial. As regards this former, she stresses that the Canadian application of this former offence to the ambiguous term of "terrorism offences in general" invokes a much broader scope than do its British and Australian counterparts. In terms of the latter, Mitchell notes that critics give credence to concerns of privacy issues and insufficient oversight, despite information-sharing failures amongst all 'Five Eyes' alliance states. Mitchell concludes by noting the need for critical assessment of the effectiveness of Canada's counter-terrorism strategies.



Since 9/11, counter-terrorism and national security strategies have received considerable international attention among policy makers. Globally, governments have responded by implementing a raft of significant changes to legislation aimed to combat terrorist-related activity. Political and public tension has often surrounded these counter-terrorism reforms and governments face ongoing pressure from critics in ensuring citizens' rights are not infringed upon by such measures. The Canadian government has recently experienced substantial criticism over the enactment of Bill C-51, the *Anti-terrorism Act (ATA)* (S.C. 2015, c. 20), which is controversial due to its widening government authority to share information on people. Introduced in 2015, the



Harper government emphasized the necessity of this omnibus bill in protecting Canadian society against the threat of terrorism. Having since been enacted, critics maintain the new bill undermines the security of Canada and raises potential constitutional issues (Roach & Forcese, 2015). Canada, like many other democratic countries, appears to be grappling with crafting counter-terrorism strategies that can effectively strengthen national security while safeguarding citizens' rights and freedoms. However, little attention has focused on how the newly implemented provisions of the *ATA* compare to security measures employed by other democratic nations.

BILL C-51 – CANADA'S ANTI-TERRORISM ACT

Officially assented to on June 18, 2015, the *ATA* implemented reforms affecting security, privacy, and the power of police and surveillance agencies. Critics view the measures delineated within the *ATA* as an excessive expansion of government powers that unreasonably infringe upon citizen's rights (Ruby & Hasan, 2015). Although many democratic states have experienced similar debate over the appropriate boundaries of government with respect to national security, the reforms enacted through the *ATA* have been regarded as radical steps for Canadian public policy (Roach & Forcese, 2015). However, government officials maintain the new provisions merely align Canada with counter-terrorism strategies already introduced by close allies, such as member-states of the 'Five Eyes' (i.e., Canada, U.S., U.K., Australia, and New Zealand - Public Safety Canada, 2015). Policy developments across the 'Five Eyes' have often influenced one another when it comes to national security, illustrated in the striking similarities across their counter-terrorism legislation.

CONTROVERSIAL PROVISIONS OF THE ATA

Two of the most controversial provisions of the *ATA* illustrate how Canada's expanded counter-terrorism strategy aligns with efforts among 'Five Eyes' governments. These provisions include the adoption of a speech-related terrorism offence and the enactment of the *Security of Canada Information Sharing Act (SCISA)*. The addition of a speech-related terrorism offence under Part 3 of the *ATA* criminalizes an individual whose speech "advocates or promotes the commission of terrorism offences in general" (R.S.C. 1985, c C-46, s. 83.221). This provision bares striking similarity to existing U.K. and Australian provisions. The offence invokes a similarly low threshold for prosecution in these countries where advocacy of terrorism can occur either knowingly or recklessly. Yet, the Canadian application of this offence to the ambiguous term of "terrorism offences in general" invokes a much broader scope than do its British and Australian counterpart (R.S.C. 1985, c C-46, s. 83.221).

The second addition at the forefront of public concern is the enactment of the *Security of Canada Information Sharing Act (SCISA)*. Outlined in Part 1 of the *ATA*, this act permits information sharing between government institutions to intervene in "activities that undermine the security of Canada" (S.C. 2015, c. 20, s. 2). With the adoption of *SCISA*, Canada's information sharing practices closely resemble the highly controversial and nearly unrestrained sharing practices employed by the U.S., U.K., and Australian government

agencies. All of the 'Five Eyes' governments have emphasized the importance of timely and secure information sharing in strengthening national security approaches. Despite the occurrence of information sharing failures amongst all 'Five Eyes' and skepticism of effectiveness by critics, integrated information sharing is still argued to be a necessary approach in combating terrorism.

CANADIAN GOVERNMENT HAS PUSHED THE BOUNDARIES OF INTELLIGENCE ACTIVITIES

Another notable legislative trend across the 'Five Eyes' is the increased powers granted to intelligence and law enforcement agencies. An examination of the domestic powers granted to 'Five Eyes' intelligence agencies reveals the Canadian government has pushed the boundaries in the actions it allows its intelligence agency to engage in. Under the *ATA*, Canada's domestic intelligence agency (CSIS) can now go beyond information gathering and take disruptive measures to "reduce threats to the security of Canada" [CSIS Act, R.S.C. 2015, c. C-23, s. 12.1]. Furthermore, CSIS can apply for a judicial warrant to take measures that directly violate Canadian citizen's *Charter* rights. Although Australian legislation has recently granted similar powers to its intelligence agency, these actions must be related to the disruption of computer systems. Currently, domestic intelligence agencies in the U.S., the U.K., and New Zealand do not have the legislative right to take disruptive actions when engaging in home operations.

LEGISLATIVE TRENDS ACROSS THE 'FIVE EYES'

Given the shared history of the 'Five Eyes' network, it is not surprising similarities emerge across these nations counter-terrorism strategies. The analogous language and overarching goals found across each member's legislation and policies demonstrate these counter-terrorism strategies are undoubtedly influenced by one another. Nonetheless, the recently crafted *ATA* initiates a change to Canada's counter-terrorism strategy with security being of primary concern. This change in intensity is highlighted through the adoption of new provisions and expansion of government powers. The 'Five Eyes' alliance states appear to be following very similar trajectories towards tough counter-terrorism policy strategies.

CRITICS GIVE CREDENCE TO CONCERNS OVER PRIVACY ISSUES AND INSUFFICIENT OVERSIGHT

With this prioritization of security in counter-terrorism legislation and policy across the 'Five Eyes', there is credence to the concerns raised by critics. There is particular concern that citizens' privacy rights will be infringed upon due to controversial speech-related terrorism offences, inter-department government information sharing, and the continually expanding powers of intelligence agencies. Further, Canada's oversight mechanisms are significantly lacking in power and resources to effectively review the transformed functions and activities of government, policing, intelligence, and security agencies (Roach & Forcese, 2015). It has been suggested the Canadian system also develop an independent parliamentary oversight review of national security measures. Canada remains the only member of the 'Five Eyes' alliance to not utilize this type of oversight system. Nonetheless, insufficient oversight over counter-terrorism measures

exists within each of the 'Five Eyes' countries and critics worldwide have urged governments to implement more robust review mechanisms into their security and intelligence agencies.

CONCLUSION

Democratic government's boundaries in developing effective national security strategies remains a complex and amply debated challenge. Although support remains divided for many of the provisions enacted in the ATA, it is important for policy makers and the public to critically assess and monitor the effectiveness of Canada's counter-terrorism strategy. Policy makers should strive to implement national security measures that do not erode citizen's rights whilst protecting the fundamental elements of a democratic society to engender public confidence (see Freese, 2014). Further research should examine the reasons driving governments to legislate new counter-terrorism measures and, perhaps more importantly, whether these measures are effective in reducing the threat of terrorism. ••

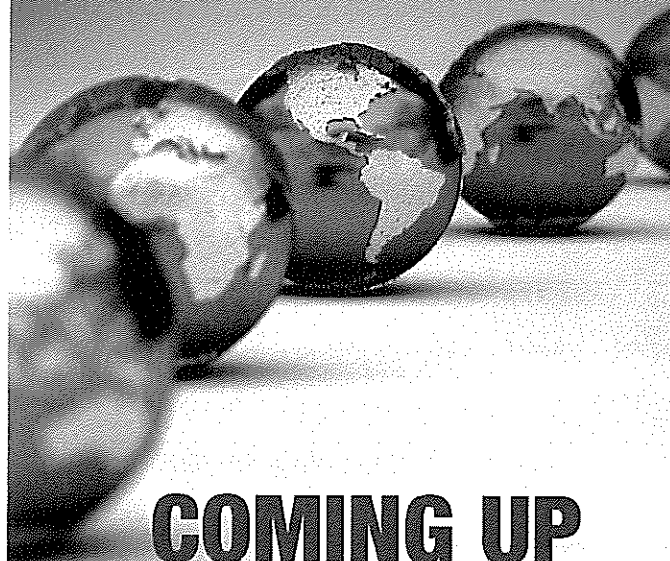
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RÉSUMÉ : FRAMING CANADA'S LEGISLATIVE RESPONSE TO TERRORISM

PAR JULIANNA MITCHELL, School of Criminology, Simon Fraser University (jdm17@sfu.ca)

Dans son article, Julianna Mitchell traite des controverses entourant le projet de loi C-51, Loi antiterroriste de 2015, dans le cadre d'une alliance dite des Cinq Yeux, comprenant cinq pays, dont le Canada. Soulignant que les réformes afférentes à la Loi antiterroriste ont des incidences sur la sécurité, la vie privée ainsi que sur les pouvoirs de la police et des organismes de surveillance – et qu'il existe un appui mitigé pour bon nombre des dispositions qu'elle comporte – l'auteure avance que (1) que l'adoption d'infractions relatives au discours terroriste et (2) que l'adoption de la Loi sur la communication d'information ayant trait à la sécurité du Canada (LCISC) sont les mesures les plus controversées. En ce qui a trait à la première, elle insiste que l'application au Canada de cette infraction au terme « d'infractions terroristes en général » a une portée plus large que celles de ses contreparties britanniques et australiennes. Par ailleurs, en ce qui a trait à la dernière, Mitchell note que les critiques accueillent comme réelles les préoccupations liées à la protection de la vie privée et du niveau de surveillance insuffisant, malgré les échecs dans le partage de l'information chez tous les pays constituant l'alliance des Cinq Yeux. Mitchell conclut en soulignant la nécessité d'une évaluation critique de l'efficacité du Canada au chapitre du contre-terrorisme.



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- 32.1 -

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AUSTRALIA - AUSTRALIE



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Centre for Forensic and Behavioural Sciences, Department of Psychological Sciences,
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MATERIAL SUPPORT OF TERRORISM BY ERIK LUNA

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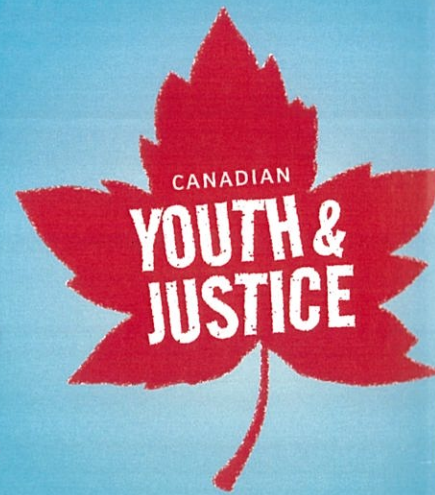
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